

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) JUDICIARY

Call to Order: Chair Sen. Keith Regier-R, on January 10, 2023 at 9:01 AM, in 303

ROLL CALL

Members Present: Sen. Keith Regier, Chair (R)
Sen. Jen Gross, Vice Chair (D)
Sen. Barry Usher, Vice Chair (R)
Sen. Bob Brown (R)
Sen. Daniel Emrich (R)
Sen. Chris Friedel (R)
Sen. Steve Hinebauch (R)
Sen. Kathy Kelker (D)
Sen. Theresa Manzella (R)
Sen. Andrea Olsen (D)
Sen. Susan Webber (D)

Staff Present: Grace Gibney, Secretary
Madelyn Krezowski, Attorney

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 92 01/02/2023
SB 94 01/02/2023
SB 95 01/02/2023
SB 96 01/02/2023
SJ 3 01/02/2023
SJ 5 01/02/2023

Executive Action:

HEARING ON SJ 3 - Joint resolution related to the Justice Counts Initiative

Opening Statement:

09:04:34 Sen. Ryan Lynch (D), SD 76, opened the hearing on SJ 3, Joint resolution related to the Justice Counts Initiative.

Proponent Testimony:

09:05:32 Shelby DeMars, Montana Police Protection Association

Informational Witness Testimony:

09:06:14 Natalia Bowser, Montana Board of Crime Control

09:06:35 John Daughtery, Montana Department of Corrections

09:06:47 Eldena Bear Dont Walk, Office of Public Defender

Questions from Committee:

09:07:19 Sen. Barry Usher

09:08:01 Sen. Ryan Lynch-D

09:08:04 Sen. Andrea Olsen

09:08:26 Sen. Ryan Lynch-D

09:09:39 Sen. Daniel Emrich

09:09:56 Sen. Ryan Lynch-D

Closing Statement:

09:10:32 Sen. Ryan Lynch (D), SD 76, closed the hearing on SJ 3.

HEARING ON SB 94 - Generally revise laws related to recovery residences

Opening Statement:

09:11:19 Sen. Barry Usher (R), SD 40, opened the hearing on SB 94, Generally revise laws related to recovery residences.

[EXHIBIT\(230110JUSa1\)](#)

Proponent Testimony:

09:15:33 Cynthia Wolken, Montana Department of Corrections

09:16:54 Terri Todd, Gratitude in Action Foundation
09:19:46 Scott Twito, Montana Department of Justice (DOJ)
09:24:47 Steve Turkiewicz, Westridge Consult LLC
09:25:55 May Simmons, self
09:30:05 Dan Brooks, Billings Chamber of Commerce

Opponent Testimony:

09:32:04 Steve Cape, Coalition For Safety and Justice
09:42:23 Stacey Anderson, Montana Primary Care Association
[EXHIBIT\(230110JUSa2\)](#)
09:47:38 Donald Roberts, Substance Abuse Counselor
09:52:32 Megan Bailey, Sunbursts Community Service Foundation
[EXHIBIT\(230110JUSa3\)](#)
09:58:25 James Daily, Sober Beginnings
10:02:45 Brian Wallberg, self
10:04:49 Allen Atwood, self
10:07:51 Jennifer Morton, self
10:10:56 Candance Caruthers, self
[EXHIBIT\(230110JUSa4\)](#)
10:14:29 John Adams, self
10:17:08 Max Obrosinski, self
10:19:54 Armonda Cabygas, self
10:22:49 Erica Hoffman, self
10:26:01 Christina Johnson, self
10:27:28 Brian Fisher, self

10:29:01 Tracey Jordan, Sober Beginnings
10:30:28 Mike Derwey, Sober Beginnings
10:31:41 Andy Hauser, self
10:33:12 Nathan Steahley, National Association of Social Workers
10:34:00 Kasey Keith, Sober Beginnings
10:39:10 Whitney Lehman, Recovery Residences Alliance of Montana

Informational Witness Testimony:

10:41:43 Rebecca Decamara, Montana Department of Public Health and Human Services (DPHHS)

Questions from Committee:

10:42:27 Sen. Chris Friedel
10:43:21 Scott Twito, DOJ
10:45:45 Sen. Chris Friedel
10:45:48 Steve Turkiewicz, Westridge Consult LLC
10:45:53 Sen. Susan Webber
10:45:56 Megan Bailey, Sunbursts Community Service Foundation
10:48:38 Sen. Kathy Kelker
10:48:47 Rebecca Decamera, DPHHS
10:51:38 Sen. Jen Gross
10:52:29 Sen. Barry Usher-R

Closing Statement:

10:57:08 Sen. Barry Usher (R), SD 40, closed the hearing on SB 94.

HEARING ON SB 95 - Generally revise theft laws

Opening Statement:

11:02:52 Sen. Barry Usher (R), SD 40, opened the hearing on SB 95, Generally revise theft laws.

Proponent Testimony:

11:06:29 Brad Griffin, Montana Retail Association (MRA)
11:08:51 Sen. Jen Gross left the meeting.
11:08:57 Sen. Steve Hinebauch left the meeting.
11:10:31 Scott Twito, Division of Criminal Investigation, Montana Department of Justice (DOJ)
11:15:31 Ronda Wiggers, National Federation of Independent Business
11:17:34 Cory Swanson, Montana County Attorneys Association (MCAA)
11:18:39 Shelby DeMars, Montana Police Protective Association

Opponent Testimony:

11:19:20 Henry Kriegel, Americans For Prosperity
11:21:26 Maggie Bornstein, American Civil Liberties Union of Montana
11:24:36 Nicole Gomez, Montana Women Vote
11:27:36 Benny Lacayo, self
11:30:45 Casey Hugs, self
11:37:18 Sen. Steve Hinebauch joined the meeting.
11:38:43 Eldena BearDontWalk, Office Of Public Defender

Questions from Committee:

11:39:10 Sen. Chris Friedel
11:39:12 Scott Twito, DOJ
11:44:12 Sen. Kathy Kelker
11:44:19 Brad Griffin, MRA
11:47:36 Sen. Andrea Olsen
11:47:46 Cory Swanson, MCAA
11:55:21 Sen. Andrea Olsen

11:56:27 Brad Griffin, MRA

Closing Statement:

11:56:47 Sen. Barry Usher (R), SD 40, closed the hearing on SB 95.

HEARING ON SB 96 - Create separate definition for persistent felony offender under supervision

Opening Statement:

11:59:18 Sen. Barry Usher (R), SD 40, opened the hearing on SB 96, Create separate definition for persistent felony offender under supervision.

Proponent Testimony:

12:01:00 Scott Twito, Department of Criminal Investigation, Montana Department of Justice (DOJ)

[EXHIBIT\(230110JUSa5\)](#)

12:07:24 David Ortley, Deputy Attorney General

12:08:56 Dan Smith, Montana Police Protective Association

12:09:22 Cory Swanson, Montana Attorneys Association

Opponent Testimony:

12:09:58 Bart Holt, self

12:14:34 Benny Lacayo, self

12:18:11 Keegan Medrano, American Civil Liberties Union of Montana

12:20:29 Amy Sings In The Timber, Montana Innocence Project

12:23:08 Nicole Gomez, Montana Women Vote

12:23:31 Casey Hugs, self

12:26:23 Clemenre Arciga, self

Informational Witness Testimony:

12:28:22 Eldena Bear Dont Walk, Office of Public Defender

Questions from Committee:

None

Closing Statement:

12:28:48 Sen. Barry Usher (R), SD 40, closed the hearing on SB 96.

HEARING ON SB 92 - Eliminate jail penalties for driving while suspended/revoked

Opening Statement:

12:30:57 Sen. Daniel Emrich (R), SD 11, opened the hearing on SB 92, Eliminate jail penalties for driving while suspended/revoked.

Proponent Testimony:

12:32:53 Eldena Bear Don't Walk, Deputy Public Defender

12:36:45 Maggie Bornstein, American Civil Liberties Union of Montana

12:37:08 Nicole Gomez, Montana Women Vote

12:37:40 Benny Lacayo, self

Opponent Testimony:

12:39:17 Cory Swanson, Montana Attorneys Association

12:42:06 Brian Thompson, Montana Peace Officers Association

12:43:12 Smith Smith, Montana Police Protection Association

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

12:44:15 Sen. Daniel Emrich (R), SD 11, closed the hearing on SB 92.

HEARING ON SJ 5 - Resolution urging Congress to fully fund law enforcement in Indian Country

Opening Statement:

12:45:50 Sen. Bob Brown (R), SD 13, opened the hearing on SJ 5, Resolution urging Congress to fully fund law enforcement in Indian Country.

Proponent Testimony:

12:47:40 Allan Done, Montana Department of Justice

12:48:30 Geno LeValdo, Fort Belknap

[EXHIBIT\(230110JUSa6\)](#)

12:49:50 Patrick Yawaki, Self

12:50:21 Gary Lamere, Fort Belknap

12:52:08 Josh Roberge, Chief of Police Fort Belknap

12:53:19 Delina CutsTheRope, Fort Belknap

Opponent Testimony:

None

Questions from Committee:

None

Closing Statement:

12:55:45 Sen. Bob Brown (R), SD 13, closed the hearing on SJ 5.

ADJOURNMENT

Adjournment: 12:58:10

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230110JUSaad\)](#)