

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

Call to Order: Chair Sen. Keith Regier-R, on January 12, 2023 at 9:01 AM, in 303

ROLL CALL

Members Present: Sen. Keith Regier, Chair (R)
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)

Members Excused: Sen. Jen Gross (D)

Staff Present: Julianne Burkhardt, Attorney
Grace Gibney, Secretary

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 134 01/09/2023

SB 135 01/09/2023

SB 136 01/10/2023

Executive Action:

SB 92 TO TABLE

SB 13 DO PASS AS AMENDED

SB 95 DO PASS AS AMENDED

SB 96 DO PASS

SB 136 DO PASS

HEARING ON SB 134 - Revise injunction laws

Opening Statement:

09:03:01 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 134, Revise injunction laws.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:08:25 Sen. Kathy Kelker
09:09:23 Sen. Steve Fitzpatrick-R
09:10:50 Sen. Andrea Olsen
09:11:20 Sen. Steve Fitzpatrick-R
09:11:47 Sen. Keith Regier
09:12:06 Sen. Steve Fitzpatrick-R
09:13:22 Sen. Barry Usher
09:13:36 Sen. Steve Fitzpatrick-R
09:23:42 Recessed
10:01:31 Reconvened

Closing Statement:

09:15:13 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 134.

HEARING ON SB 135 - Revise injunction laws

Opening Statement:

09:15:27 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 135, Revise injunction laws.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:17:33 Sen. Andrea Olsen
09:18:12 Sen. Steve Fitzpatrick-R
09:18:51 Sen. Kathy Kelker
09:19:09 Sen. Steve Fitzpatrick-R
09:19:35 Sen. Barry Usher
09:20:09 Sen. Steve Fitzpatrick-R

Closing Statement:

09:20:28 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 135.

HEARING ON SB 136 - Revise injunction laws

Opening Statement:

09:20:44 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 136, Revise injunction laws.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

09:22:43 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 136.
09:23:42 Recessed
10:01:31 Reconvened

**EXECUTIVE ACTION ON SB 92 - Eliminate jail penalties for driving while
suspended/revoked**

10:42:13 **Motion:** Sen. Daniel Emrich moved that **SB 92 TO TABLE.**
10:42:13 **Vote:** Motion carried 9 - 2 by roll call vote with Sen. Kelker, Sen. Olsen, voting
no.

**EXECUTIVE ACTION ON SB 13 - Revise DUI laws related to admissible tests for presence
of drugs**

11:13:54 **Motion:** Sen. Barry Usher moved that **SB 13 DO PASS.**
11:17:03 **Motion:** Sen. Keith Regier moved that **SB 13 BE AMENDED.**
11:17:03 **Vote:** Motion carried unanimously by voice vote.
11:18:17 **Motion:** Sen. Chris Friedel moved that **SB 13 BE AMENDED.**
11:18:17 **Vote:** Motion carried unanimously by voice vote.
11:21:55 **Motion:** Sen. Barry Usher moved that **SB 13 DO PASS AS AMENDED.**
11:21:55 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 95 - Generally revise theft laws

- 11:26:12 **Motion:** Sen. Barry Usher moved that **SB 95 DO PASS.**
- 11:26:54 **Motion:** Sen. Barry Usher moved that **SB 95 BE AMENDED.**
- 11:26:54 **Vote:** Motion carried unanimously by voice vote.
- 11:27:53 **Motion:** Sen. Andrea Olsen moved that **SB 95 BE AMENDED.**
- 11:27:53 **Vote:** Motion failed 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Gross, By Proxy
- 11:29:40 **Motion:** Sen. Barry Usher moved that **SB 95 DO PASS AS AMENDED.**
- 11:29:40 **Vote:** Motion carried 8 - 3 by voice vote with Sen. Gross, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, By Proxy

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

- 11:31:04 **Motion:** Sen. Barry Usher moved that **SB 96 DO PASS.**
- 11:31:04 **Vote:** Motion carried 9 - 2 by roll call vote with Sen. Gross, Sen. Olsen, voting no.
Sen. Gross, By Proxy

EXECUTIVE ACTION ON SB 136 - Revise injunction laws

- 12:08:17 **Motion:** Sen. Barry Usher moved that **SB 136 DO PASS.**
- 12:08:17 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 10:30:44

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230112JUSaad\)](#)