

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

Call to Order: Chair Keith Regier-R, on February 21, 2023 at 9:02 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. Theresa Manzella (R)

Members Excused: Sen. Kathy Kelker (D)
Sen. Andrea Olsen (D)
Sen. Susan Webber (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 321 02/15/2023
SB 325 02/15/2023
SB 326 02/15/2023
SB 363 02/16/2023

Executive Action:

SB 249 DO PASS AS AMENDED
SB 287 DO PASS AS AMENDED
SB 299 DO PASS
SB 320 DO PASS AS AMENDED
SB 321 DO PASS
SB 363 DO PASS

HEARING ON SB 363 - Revising laws related to correctional officers

Opening Statement:

09:03:50 Vice Chair Barry Usher (R), SD 40, opened the hearing on SB 363, Revising laws related to correctional officers.

Proponent Testimony:

09:05:02 Jim Anderson, Public Safety Chief, Department of Corrections (DOC)

09:07:00 Shelby DeMars, Montana Police Protective Association

09:07:28 Larry Nielsen, Montana Federation of Public Employees

09:07:45 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:08:55 Vice Chair Jen Gross

09:09:19 Jim Anderson, (DOC)

09:11:29 Chair Keith Regier

09:11:37 Jim Anderson, (DOC)

Closing Statement:

09:12:21 Vice Chair Barry Usher (R), SD 40, closed the hearing on SB 363.

HEARING ON SB 321 - Revise stalking laws to include use of GPS and other technological means

Opening Statement:

09:13:47 Sen. Ellie Boldman (D), SD 45, opened the hearing on SB 321, Revise stalking laws to include use of GPS and other technological means.

Proponent Testimony:

09:15:09 Lorlei Michael-Owens, Associated Students of Montana State University

09:16:08 Nanette Gilbertson, Montana County Attorneys Association (MCAA),
Montana Sheriffs and Peace Officers Association(MSPOA)

09:17:00 Shelby DeMars, Montana Police Protective Association (MPPA)

09:17:16 Alex Sterhan, Montana Department of Justice, Attorney Generals Office

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:18:21 Sen. Theresa Manzella

09:18:45 Sen. Ellie Boldman-D

09:18:55 Shelby DeMars, MPPA

09:20:26 Chair Keith Regier

09:20:38 Shelby DeMars, MPPA

09:21:26 Chair Keith Regier

09:21:41 Alex Sherhan. Montana Department of Justice, Attorney General's Office

09:22:10 Vice Chair Jen Gross

09:24:10 Nanette Gilbertson, MCAA, MSPOA

09:24:51 Chair Keith Regier

09:25:03 Nanette Gilbertson, (MCAA, MSPOA)

09:25:34 Vice Chair Barry Usher

Closing Statement:

09:26:19 Sen. Ellie Boldman (D), SD 45, closed the hearing on SB 321.

HEARING ON SB 325 - Revise laws relating to the privacy of marital communications

Opening Statement:

09:27:23 Sen. Chris Friedel (R), SD 26, opened the hearing on SB 325, Revise laws relating to the privacy of marital communications.

Proponent Testimony:

None

Opponent Testimony:

09:33:29 Don Harris, Montana Department of Administration (DOA)

[EXHIBIT\(230221JUSa1\)](#)

Informational Witness Testimony:

None

Questions from Committee:

09:34:17 Vice Chair Jen Gross

09:35:23 Sen. Chris Friedel-R

09:38:13 Chair Keith Regier

09:38:28 Sen. Chris Friedel-R

09:38:56 Sen. Daniel Emrich

09:39:34 Don Harris, DOA

09:41:47 Senator Pat Flowers

09:42:26 Sen. Chris Friedel-R

Closing Statement:

09:43:11 Sen. Chris Friedel (R), SD 26, closed the hearing on SB 325.

HEARING ON SB 326 - Generally revise crime laws

Opening Statement:

09:44:03 Sen. Chris Friedel (R), SD 26, opened the hearing on SB 326, Generally revise crime laws.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:47:40 Vice Chair Jen Gross

09:48:30 Sen. Chris Friedel-R

09:54:27 Chair Keith Regier

09:56:21 Sen. Chris Friedel-R

Closing Statement:

09:56:32 Sen. Chris Friedel (R), SD 26, closed the hearing on SB 326.

EXECUTIVE ACTION ON SB 249 - Generally revise youth treatment plan laws

10:32:11 **Motion:** Sen. Theresa Manzella moved that **SB 249 DO PASS.**

14:38:05 **Vote:** Motion failed unanimously by voice vote.

10:33:14 **Motion:** Sen. Theresa Manzella moved that **SB 249 BE AMENDED.**

Discussion:

10:34:41 Sen. Theresa Manzella

10:36:12 Chair Keith Regier

10:36:26 Vice Chair Jen Gross

10:36:40 Sen. Theresa Manzella

10:38:01 Chair Keith Regier

14:38:05 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Olsen, Sen. Webber, By Proxy

10:39:12 **Motion:** Sen. Theresa Manzella moved that **SB 249 DO PASS AS AMENDED.**

Discussion:

10:39:18 Vice Chair Jen Gross

14:38:05 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Olsen, Sen. Webber, By Proxy

EXECUTIVE ACTION ON SB 287 - Revise property laws

10:48:39 **Motion:** Vice Chair Barry Usher moved that **SB 287 DO PASS.**

10:50:10 **Motion:** Vice Chair Barry Usher moved that **SB 287 BE AMENDED.**

Discussion:

10:50:22 Julianne Burkhardt

10:52:23 Vice Chair Jen Gross

14:38:05 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Olsen, Sen. Webber, By Proxy

10:53:37 **Motion:** Vice Chair Barry Usher moved that **SB 287 DO PASS AS AMENDED.**

Discussion:

10:53:43 Vice Chair Jen Gross

10:54:55 Sen. Daniel Emrich

10:55:31 Vice Chair Jen Gross

10:55:54 Sen. Steve Hinebauch

14:38:05 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Olsen, Sen. Webber, By Proxy

EXECUTIVE ACTION ON SB 299 - Require an audit of the district courts

10:56:54 **Motion:** Vice Chair Barry Usher moved that **SB 299 DO PASS.**

Discussion:

10:58:01 Vice Chair Jen Gross

10:59:34 Sen. Theresa Manzella

14:38:05 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Olsen, Sen. Webber, By Proxy

EXECUTIVE ACTION ON SB 320 - Require the refund of residential lease application fees

11:00:57 **Motion:** Vice Chair Barry Usher moved that **SB 320 DO PASS.**

11:01:59 **Motion:** Vice Chair Barry Usher moved that **SB 320 BE AMENDED.**

Discussion:

11:02:20 Julianne Burkhardt

11:04:08 Chair Keith Regier

14:38:05 **Vote:** Motion carried unanimously by roll call vote.

11:05:08 **Motion:** Vice Chair Barry Usher moved that **SB 320 DO PASS AS AMENDED.**

Discussion:

11:05:16 Sen. Bob Brown

11:06:23 Chair Keith Regier

14:38:05 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Friedel, Sen. Hinebauch, Sen. Manzella, Sen. Regier, Sen. Usher, voting no.

EXECUTIVE ACTION ON SB 321 - Revise stalking laws to include use of GPS and other technological means

11:07:36 **Motion:** Vice Chair Barry Usher moved that **SB 321 DO PASS.**

14:38:05 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 363 - Revising laws related to correctional officers

11:08:35 **Motion:** Vice Chair Barry Usher moved that **SB 363 DO PASS.**

Discussion:

11:08:49 Vice Chair Jen Gross

14:38:05 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 11:10:40

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230221JUSaad\)](#)