

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

Call to Order: Chair Keith Regier-R, on February 24, 2023 at 8:02 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. Steve Hinebauch (R)
Sen. Theresa Manzella (R)
Sen. Andrea Olsen (D)
Sen. Susan Webber (D)

Members Excused: Sen. Chris Friedel (R)
Sen. Kathy Kelker (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 337 02/20/2023
SB 423 02/21/2023
SB 438 02/21/2023
SB 443 02/21/2023
SB 445 02/21/2023
SB 459 02/22/2023

Executive Action:

SB 333 DO PASS AS AMENDED
SB 368 DO PASS AS AMENDED
SB 294 DO PASS AS AMENDED
SB 423 DO PASS

HEARING ON SB 459 - Revise laws related to pretrial release

Opening Statement:

08:03:24 Sen. Ryan Lynch (D), SD 76, opened the hearing on SB 459, Revise laws related to pretrial release.

Proponent Testimony:

None

Opponent Testimony:

08:06:14 Beth Brenneman, Montana Coalition Against Domestic and Sexual Violence

Informational Witness Testimony:

None

Questions from Committee:

08:06:48 Sen. Bob Brown
08:07:45 Sen. Ryan Lynch-D
08:10:15 Vice Chair Barry Usher
08:11:01 Sen. Ryan Lynch-D
08:11:52 Sen. Steve Hinebauch
08:12:07 Sen. Ryan Lynch-D
08:12:48 Sen. Susan Webber
08:13:15 Sen. Ryan Lynch-D
08:13:49 Sen. Bob Brown

Closing Statement:

08:15:41 Sen. Ryan Lynch (D), SD 76, closed the hearing on SB 459.

HEARING ON SB 423 - Generally revise liability related to firearm hold agreements

Opening Statement:

08:16:02 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 423,
Generally revise liability related to firearm hold agreements.

Proponent Testimony:

08:17:46 Jason Swant, Prickly Pear Sportsman Association
08:20:12 Lawrence Rhone, NorthEast Montana Veterans Coalition
08:22:13 Shani Henry, self
08:24:31 Senator Mary Ann Dunwell, Senate District 42
08:28:44 Dr. Jennifer Preble, American Foundation of Suicide Prevention
08:29:33 Mark Jaramillo, self

Opponent Testimony:

None

Informational Witness Testimony:

08:31:17 Al Smith, Montana Trial Lawyers Association

Closing Statement:

08:32:06 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 423.

HEARING ON SB 445 - Allow a professional person to testify remotely in certain criminal proceedings

Opening Statement:

08:33:06 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 445, Allow a professional person to testify remotely in certain criminal proceedings.

Proponent Testimony:

08:34:19 Brian Thompson, Montana County Attorneys Association
08:36:50 Paula Stannard, Montana Department of Health and Human Services

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:39:33 Chair Keith Regier
08:39:47 Brian Thompson, Montana County Attorneys Association
08:40:06 Vice Chair Barry Usher
08:40:36 Brian Thompson, Montana County Attorneys Association

Closing Statement:

08:42:03 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 445.

HEARING ON SB 337 - Generally revise parental rights laws

Opening Statement:

08:42:46 Sen. Theresa Manzella (R), SD 85, opened the hearing on SB 337, Generally revise parental rights laws.

Proponent Testimony:

08:52:01 Donna Elford, self
08:54:58 Jenna McKinney, Montana Office of Public Instruction
[EXHIBIT\(230224JUSa1\)](#)
08:56:46 Anatoly Shchemelinin, self
[EXHIBIT\(230224JUSa2\)](#)
09:02:37 Lisa Bennett, self
09:07:10 Tony Hudson, self
09:09:09 Nicole Bennett, self
09:10:45 Matt Sharp, Alliance Defending Freedom
09:15:11 Chelsea Culpon, self
09:15:59 Elba Pimentel, Moms For Liberty
09:17:59 Ed Halland, self
09:18:53 Jessie Browning, Moms For Liberty

09:21:10 Terri Lackey, self
09:23:06 Jeff Laszloffy, Montana Family Foundation
09:25:20 Glenda Edgeworth, self
09:26:10 Steve White, Montana Coalition of Home Educators
09:27:37 Allyn Apple-Skeahan, self
09:28:31 Elena Gagliano, self
09:30:15 Cheryl Tusken, self
09:33:25 Alan Lackey, self
09:36:01 Jessica Kirkendall, self
09:37:57 Kathy Love, self
09:39:37 Rebecca Schwartz, self
09:40:26 Jarred Evans, self

Opponent Testimony:

09:41:58 Rob Watson, Executive Director, School Administrators of Montana
[EXHIBIT\(230224JUSa3\)](#)
09:46:33 Deborah Silk, Associate Executive Director at Montana School Boards Association
09:50:04 Jenny Murnane-Butcher, Montanans Organized for Education
09:54:14 Beth Brenneman, Montana Coalition Against Domestic and Sexual Violence
09:58:22 Shawn Reagor, self
10:00:48 Dr. Kathryn Lowe, Montana Chapter of the American Academy of Pediatrics
10:03:24 Tristan Johnson, self

Informational Witness Testimony:

None

Questions from Committee:

10:06:15 Chair Keith Regier

10:06:36 Deborah Silk, Associate Executive Director at Montana School Boards Association

10:09:05 Vice Chair Jen Gross

10:10:59 Deborah Silk, Associate Executive Director at Montana School Boards Association

10:13:26 Sen. Bob Brown

10:13:54 Matt Sharp, Alliance Defending Freedom

10:15:13 Sen. Susan Webber

10:17:20 Sen. Theresa Manzella-R

10:21:04 Vice Chair Barry Usher

10:21:26 Deborah Silk, Associate Executive Director at Montana School Boards Association

10:22:07 Jenny Murnane-Butcher, Montanans Organized for Education

10:23:29 Vice Chair Barry Usher

10:23:52 Matt Sharp, Alliance Defending Freedom

10:24:40 Sen. Bob Brown

10:25:17 Sen. Theresa Manzella-R

10:26:10 Sen. Bob Brown

10:26:24 Rob Watson, Executive Director, School Administrators of Montana

10:27:17 Sen. Andrea Olsen

10:27:47 Jenny Murnane-Butcher, Montanans Organized for Education

10:29:36 Sen. Susan Webber

10:30:35 Jenny Murnane-Butcher, Montanans Organized for Education

10:31:13 Vice Chair Jen Gross

10:32:35 Sen. Theresa Manzella-R
10:35:30 Sen. Daniel Emrich
10:37:53 Matt Sharp, Alliance Defending Freedom
10:38:56 Vice Chair Jen Gross
10:39:55 Jenny Murnane-Butcher, Montanans Organized for Education

Closing Statement:

10:40:39 Sen. Theresa Manzella (R), SD 85, closed the hearing on SB 337.

Discussion:

10:42:33 Sen. Chris Friedel joined the meeting.

[EXHIBIT\(230224JUSa4\)](#)

HEARING ON SB 443 - Revise POST council membership

Opening Statement:

10:44:53 Sen. Chris Friedel (R), SD 26, opened the hearing on SB 443, Revise POST council membership.

Proponent Testimony:

10:47:13 Dan Smith, Montana Police Protective Association

10:47:49 Neil Friedel, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:49:19 Chair Keith Regier

10:49:26 Sen. Chris Friedel-R

10:50:09 Sen. Steve Hinebauch

10:51:58 Sen. Bob Brown

10:52:35 Sen. Chris Friedel-R

Closing Statement:

10:52:38 Sen. Chris Friedel (R), SD 26, closed the hearing on SB 443.

EXECUTIVE ACTION ON SB 333 - Create offense of trespass by unmanned aerial vehicle

11:14:45 **Motion:** Sen. Barry Usher moved that **SB 333 DO PASS.**

11:14:49 **Motion:** Sen. Barry Usher moved that **SB 333 BE AMENDED.**

11:14:49 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:15:44 **Motion:** Sen. Barry Usher moved that **SB 333 DO PASS AS AMENDED.**

Discussion:

11:16:03 Sen. Susan Webber

11:16:49 Sen. Theresa Manzella

11:17:23 Chair Keith Regier

11:15:44 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON SB 368 - Generally revise laws related to minors

11:18:32 **Motion:** Sen. Barry Usher moved that **SB 368 DO PASS.**

11:19:32 **Motion:** Sen. Barry Usher moved that **SB 368 BE AMENDED.**

Discussion:

11:19:48 Julianne Burkhardt

11:21:58 Sen. Steve Hinebauch left the meeting.

11:22:02 Vice Chair Jen Gross

11:22:16 Senator Jeremy Trebas, Senate District 26

11:19:32 **Vote:** Motion carried unanimously by roll call vote.

11:23:47 **Motion:** Sen. Barry Usher moved that **SB 368 DO PASS AS AMENDED.**

11:23:47 **Vote:** Motion carried 10 - 1 by voice vote with Sen. Olsen, voting no.

EXECUTIVE ACTION ON SB 294 - Establish the end of watch trust

11:25:04 **Motion:** Sen. Barry Usher moved that **SB 294 DO PASS.**

Discussion:

11:26:35 Vice Chair Barry Usher

11:25:04 **Vote:** Motion carried unanimously by voice vote.

11:28:27 **Motion:** Sen. Barry Usher moved that **SB 294 BE AMENDED.**

Discussion:

11:28:35 Vice Chair Barry Usher

11:30:08 Chair Keith Regier

11:30:15 Vice Chair Jen Gross

11:30:52 Sen. Steve Hinebauch joined the meeting.

11:31:06 Vice Chair Barry Usher

11:31:49 Julianne Burkhardt

11:32:12 Sen. Susan Webber

11:28:27 **Vote:** Motion carried unanimously by voice vote.

11:34:13 **Motion:** Sen. Barry Usher moved that **SB 294 DO PASS AS AMENDED.**

Discussion:

11:34:56 Sen. Bob Brown left the meeting.

11:35:01 Sen. Daniel Emrich left the meeting.

11:34:13 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 423 - Generally revise liability related to firearm hold agreements

11:35:27 **Motion:** Sen. Barry Usher moved that **SB 423 DO PASS.**

11:35:27 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 11:37:18

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230224JUSaad\)](#)