

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

**Call to Order:** Chair Keith Regier-R, on March 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:

HB 614 03/17/2023  
HB 624 03/17/2023  
HB 639 03/17/2023  
HB 690 03/21/2023  
HB 692 03/17/2023  
HB 695 03/17/2023  
HB 697 03/17/2023

Executive Action:

SB 509 TO TABLE  
HB 513  
HB 525  
HB 560  
HB 639

**HEARING ON HB 690 - Generally revise pupil data privacy protections**

**Opening Statement:**

08:04:08 Rep. Katie Sullivan (D), HD 89, opened the hearing on HB 690, Generally revise pupil data privacy protections.

**Proponent Testimony:**

08:09:46 EJ Redding, Security Industry Association (SIA)

08:11:07 Rick Duncan, School Administrators of Montana

08:15:01 Lance Melton, Montana School Boards Association (MSBA)

08:15:24 Colby Williams, Security Industry Association (SIA)

**Opponent Testimony:**

08:16:17 Robin Turner, American Civil Liberties Union of Montana (ACLU MT)

**Informational Witness Testimony:**

None

**Questions from Committee:**

08:22:20 Sen. Susan Webber

08:23:04 EJ Redding, (SIA)

08:25:04 Colby Williams, (SIA)

08:25:35 Sen. Susan Webber

08:25:53 Rep. Katie Sullivan-D

08:27:37 Sen. Theresa Manzella

08:27:56 Rep. Katie Sullivan-D

08:32:25 Lance Melton, MSBA

08:36:38 Sen. Andrea Olsen

08:38:21 Rep. Katie Sullivan-D

08:41:05 Sen. Susan Webber

08:42:21 Robin Turner, ACLUMT  
08:45:38 Sen. Daniel Emrich  
08:46:17 Rep. Katie Sullivan-D  
08:50:35 Sen. Daniel Emrich  
08:51:03 Lance Melton, MSBA  
08:52:31 Vice Chair Jen Gross  
08:52:50 Lance Melton, MSBA  
08:54:03 Vice Chair Jen Gross  
08:54:16 EJ Redding, (SIA)  
08:55:02 Sen. Bob Brown  
08:56:12 Rep. Katie Sullivan-D  
08:59:08 Sen. Theresa Manzella  
09:00:31 Lance Melton, MSBA  
09:03:06 Chair Keith Regier left the meeting.

**Closing Statement:**

09:02:56 Rep. Katie Sullivan (D), HD 89, closed the hearing on HB 690.

**HEARING ON HB 614 - Generally revise youth court laws**

**Opening Statement:**

09:06:57 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 614, Generally revise youth court laws.

**Proponent Testimony:**

09:10:48 Hallie Bishop, Yellowstone County Attorney's Office  
09:17:12 Scott Twito, Montana County Attorneys Association (MCAA)

**Opponent Testimony:**

09:20:26 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)

[EXHIBIT\(230324JUSa1\)](#)

[EXHIBIT\(230324JUSa2\)](#)

09:28:15 Myshell Lyday, Avitium Partners  
09:30:52 Sen. Chris Friedel joined the meeting.  
09:33:24 Nicole Gomez, Montana Women Vote

[EXHIBIT\(230324JUSa3\)](#)

[EXHIBIT\(230324JUSa4\)](#)

**Informational Witness Testimony:**

None

**Questions from Committee:**

09:38:30 Sen. Andrea Olsen  
09:39:02 Rep. Bill Mercer-R  
09:44:20 Sen. Bob Brown  
09:46:15 Sen. Susan Webber  
09:47:30 Hallie Bishop, Yellowstone County Attorney's Office  
09:50:06 Sen. Susan Webber  
09:50:35 Myshell Lyday, Avitium Partners  
09:51:14 Vice Chair Jen Gross  
09:52:25 Maggie Bornstein, ACLUMT  
09:58:00 Myshell Lyday, Avitium Partners  
09:58:44 Sen. Theresa Manzella  
10:01:09 Rep. Bill Mercer-R

**Closing Statement:**

10:01:21 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 614.

**HEARING ON HB 639 - Establish reduction of recidivism as purpose of department of corrections**

**Opening Statement:**

10:02:58 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 639, Establish reduction of recidivism as purpose of department of corrections.

**Proponent Testimony:**

10:03:37 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

None

**Closing Statement:**

10:04:40 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 639.

**HEARING ON HB 692 - Revising laws related to appointment of counsel**

**Opening Statement:**

10:04:59 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 692, Revising laws related to appointment of counsel.

**Proponent Testimony:**

None

**Opponent Testimony:**

10:12:42 Judge Kelly Mantooh, Fergus County Justice of the Peace, Montana Magistrates Association (MMA)

[EXHIBIT\(230324JUSa5\)](#)

10:17:21 Brian Thompson, Montana County Attorneys Association (MCAA)

10:19:54 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)

10:22:21 Anna Saperud, City of Bozeman

10:25:25 Ben Halverson, Montana League of Cities and Towns (MLCT)

10:28:15 Nicole Gomez, Montana Women Vote

**Informational Witness Testimony:**

10:29:55 Brett Schandelson, Office of The State Public Defender (OPD)

**Questions from Committee:**

10:30:31 Sen. Andrea Olsen

10:31:23 Anna Saperud, City of Bozeman

10:32:59 Sen. Chris Friedel

10:33:12 Vice Chair Jen Gross left the meeting.

**Closing Statement:**

10:33:18 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 692.

**HEARING ON HB 695 - Revise TRO standard for suits against the state and subdivisions of government**

**Opening Statement:**

10:38:49 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 695, Revise TRO standard for suits against the state and subdivisions of government.

**Proponent Testimony:**

None

**Opponent Testimony:**

None

**Informational Witness Testimony:**

10:41:05 Brent Mead, Montana Department of Justice (DOJ)

**Questions from Committee:**

None

**Closing Statement:**

10:41:38 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 695.

**HEARING ON HB 697 - Generally revise laws related to the POST Council**

**Opening Statement:**

10:42:05 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 697, Generally revise laws related to the POST Council.

**Proponent Testimony:**

10:45:24 Shelby DeMars, Montana Police Protective Association (MPPA)

10:48:31 Alan Doane, Montana Department of Justice (DOJ)

10:48:51 Dan Smith, Montana Association of Chiefs of Police (MACP)

**Opponent Testimony:**

10:50:36 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

**Informational Witness Testimony:**

None

**Questions from Committee:**

10:53:42 Sen. Daniel Emrich

10:54:18 Brian Thompson, MPOSA

10:55:55 Sen. Daniel Emrich

10:56:31 Dan Smith, MACP

10:57:36 Shelby DeMars, MPPA

11:00:39 Sen. Theresa Manzella

11:01:02 Julianne Burkhardt

**Closing Statement:**

11:02:02 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 697.

**HEARING ON HB 624 - Revise laws related to officers of court**

**Opening Statement:**

11:04:11 Rep. Mike Hopkins (R), HD 92, opened the hearing on HB 624, Revise laws related to officers of court.

**Proponent Testimony:**

11:05:43 Jim Veltkamp, Chief of Police, City of Bozeman

**Opponent Testimony:**

11:08:15 Judge Kelly Mantooh, Fergus County Justice of the Peace, Montana Magistrates Association (MMA)

[EXHIBIT\(230324JUSa6\)](#)

**Informational Witness Testimony:**

None

**Questions from Committee:**

11:13:38 Sen. Theresa Manzella

11:14:34 Rep. Mike Hopkins-R

11:15:02 Sen. Andrea Olsen

11:15:38 Judge Kelly Mantooh, Fergus County Justice of the Peace, MMA

11:16:57 Sen. Daniel Emrich

11:17:31 Rep. Mike Hopkins-R

11:20:02 Sen. Daniel Emrich

11:20:39 Judge Kelly Mantooh, Fergus County Justice of the Peace, MMA

11:22:16 Sen. Andrea Olsen

11:23:18 Rep. Mike Hopkins-R

11:28:18 Vice Chair Barry Usher

**Closing Statement:**

11:28:24 Rep. Mike Hopkins (R), HD 92, closed the hearing on HB 624.

**EXECUTIVE ACTION ON SB 509 - Eliminate annual license tax for attorneys**

11:50:10 **Motion:** Sen. Barry Usher moved that **SB 509 TO TABLE.**

**Discussion:**

11:51:50 Sen. Andrea Olsen

11:50:10 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.  
Sen. Gross, Sen. Kelker, By Proxy

**EXECUTIVE ACTION ON HB 513 - Require consideration of harm of removal in child abuse and neglect cases**

11:53:03 **Motion:** Sen. Barry Usher moved that **HB 513 BE CONCURRED IN.**

11:54:03 **Motion:** Sen. Barry Usher moved that **HB 513 BE AMENDED.**

**Discussion:**

11:55:32 Sen. Daniel Emrich joined the meeting.

11:55:35 Chair Keith Regier joined the meeting.

11:56:01 Sen. Daniel Emrich

11:54:03 **Vote:** Motion carried unanimously by voice vote.

11:56:55 **Motion:** Sen. Barry Usher moved that **HB 513 BE CONCURRED IN AS AMENDED.**

11:56:55 **Vote:** Motion carried unanimously by voice vote.

11:56:55 **Carrier Assigned:** Sen. Dennis Lenz

**EXECUTIVE ACTION ON HB 525 - Enhance penalties for certain sexual crimes**

11:58:09 **Motion:** Sen. Barry Usher moved that **HB 525 BE CONCURRED IN.**

**Discussion:**

11:58:28 Sen. Andrea Olsen

11:58:52 Chair Keith Regier

11:58:53 Sen. Susan Webber left the meeting.

11:59:02 Sen. Steve Hinebauch left the meeting.

11:58:09 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.  
Sen. Gross, Sen. Kelker, Sen. Webber, By Proxy

11:58:09 **Carrier Assigned:** Sen. Barry Usher

**EXECUTIVE ACTION ON HB 560 - Revise laws related to adoption**

12:00:32 **Motion:** Sen. Barry Usher moved that **HB 560 BE CONCURRED IN.**

12:00:32 **Vote:** Motion carried 8 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, voting no.  
Sen. Gross, Sen. Kelker, By Proxy

12:00:32 **Carrier Assigned:** Sen. Daniel Emrich

**EXECUTIVE ACTION ON HB 639 - Establish reduction of recidivism as purpose of department of corrections**

12:05:39 **Motion:** Sen. Barry Usher moved that **HB 639 BE CONCURRED IN.**

12:05:39 **Vote:** Motion carried unanimously by voice vote.

12:05:39 **Carrier Assigned:** Sen. Bob Brown

**ADJOURNMENT**

Adjournment: 12:06:54

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Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230324JUSaad\)](#)