

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

Call to Order: Chair Keith Regier-R, on April 06, 2023 at 8:04 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. Theresa Manzella (R)
Sen. Andrea Olsen (D)

Members Excused: Sen. Jen Gross (D)
Sen. Kathy Kelker (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:

HB 423 04/04/2023
HB 709 04/04/2023
HB 790 04/04/2023
HB 791 04/04/2023
HB 800 04/04/2023

Executive Action:

HB 674
HB 654
HB 680
HB 704 TO TABLE
HB 474 TO TABLE
HB 631
HB 791
HB 709

HB 800
HB 790

HEARING ON HB 423 - Revise laws related to compensation for wrongfully convicted individuals

Opening Statement:

08:04:43 Rep. Amy Regier (R), HD 6, opened the hearing on HB 423, Revise laws related to compensation for wrongfully convicted individuals.

Proponent Testimony:

08:08:02 Amy Sings In The Timber, Montana Innocence Project

08:11:35 Henry Kriegel, Americans For Prosperity

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:13:25 Vice Chair Jen Gross

08:14:08 Rep. Amy Regier-R

08:17:07 Sen. Andrea Olsen

08:17:52 Rep. Amy Regier-R

08:18:00 Vice Chair Barry Usher

08:18:52 Sen. Andrea Olsen

08:19:06 Amy Sings In The Timber, Montana Innocence Project

08:20:43 Chair Keith Regier

08:20:52 Henry Kriegel, Americans For Prosperity

08:21:21 Vice Chair Jen Gross

08:21:40 Amy Sings In The Timber, Montana Innocence Project

08:22:25 Vice Chair Barry Usher

Closing Statement:

08:23:16 Rep. Amy Regier (R), HD 6, closed the hearing on HB 423.

HEARING ON HB 790 - Generally revise electronic monitoring and victim notification laws

Opening Statement:

08:24:40 Rep. Courtenay Sprunger (R), HD 7, opened the hearing on HB 790, Generally revise electronic monitoring and victim notification laws.

Discussion:

[EXHIBIT\(230406JUSa1\)](#)

Proponent Testimony:

08:28:33 Nanette Gilbertson, Montana County Attorneys Association (MCAA),
Montana Sheriffs and Peace Officers Association (MSPOA)

08:29:44 Dan Smith, Montana Police Protective Association (MPPA)

08:30:28 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

08:33:58 Frank Garner, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:36:34 Vice Chair Jen Gross

08:37:18 Rep. Courtenay Sprunger-R

08:38:08 Chair Keith Regier

08:39:05 Dan Smith, Montana Police Protective Association

08:41:05 Chair Keith Regier
08:41:22 Rep. Courtenay Sprunger-R
08:43:43 Vice Chair Jen Gross
08:44:48 Nanette Gilbertson, MCAA, MSPOA

Closing Statement:

08:47:06 Rep. Courtenay Sprunger (R), HD 7, closed the hearing on HB 790.

HEARING ON HB 791 - Generally revise drug crime sentences

Opening Statement:

08:48:20 Rep. Courtenay Sprunger (R), HD 7, opened the hearing on HB 791, Generally revise drug crime sentences.

Proponent Testimony:

08:50:25 Attorney General Austin Knudsen, Attorney General's Office
08:54:36 Steve Holton, Montana Sheriffs and Peace Officers Association (MSPOA)
08:56:51 Dan Smith, Montana Police Protective Association (MPPA)
08:57:39 Brian Thompson, Montana County Attorneys Association (MCAA)
08:58:22 Steven Crawford, Division of Criminal Investigation, Montana Department of Justice (DOJ)

Opponent Testimony:

09:01:52 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU MT)
[EXHIBIT\(230406JUSa2\)](#)
09:05:37 Nicole Gomez, Montana Women Vote

Informational Witness Testimony:

None

Questions from Committee:

09:08:20 Sen. Andrea Olsen

09:08:55 Attorney General Austin Knudsen, Attorney General's Office
09:12:13 Vice Chair Jen Gross left the meeting.
09:18:37 Sen. Bob Brown
09:19:34 Attorney General Austin Knudsen, Attorney General's Office
09:20:35 Chair Keith Regier
09:20:41 Attorney General Austin Knudsen, Attorney General's Office
09:22:13 Sen. Theresa Manzella
09:25:12 Attorney General Austin Knudsen, Attorney General's Office
09:29:22 Sen. Steve Hinebauch
09:30:05 Attorney General Austin Knudsen, Attorney General's Office
09:32:17 Sen. Daniel Emrich joined the meeting.
09:32:29 Sen. Andrea Olsen
09:33:43 Chair Keith Regier
09:33:46 Attorney General Austin Knudsen, Attorney General's Office

Closing Statement:

09:37:16 Rep. Courtenay Sprunger (R), HD 7, closed the hearing on HB 791.

HEARING ON HB 709 - Create and share publicly a district court/judge performance indicator display

Opening Statement:

09:39:21 Rep. Jane Gillette (R), HD 64, opened the hearing on HB 709, Create and share publicly a district court/judge performance indicator display.

Proponent Testimony:

09:41:29 Beth McLaughlin, Montana Court Administrator

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:42:13 Chair Keith Regier
09:42:23 Beth McLaughlin, Montana Court Administrator
09:43:37 Sen. Andrea Olsen
09:43:54 Beth McLaughlin, Montana Court Administrator

Closing Statement:

09:47:38 Rep. Jane Gillette (R), HD 64, closed the hearing on HB 709.

HEARING ON HB 800 - Provide limited criminal history of criminally charged mental health patient

Opening Statement:

09:49:22 Rep. Michael Yakawich (R), HD 51, opened the hearing on HB 800, Provide limited criminal history of criminally charged mental health patient.

Proponent Testimony:

09:59:24 Chad Parker, Deputy Chief Legal Counsel, Department of Public Health and Human Services (DPHHS)

[EXHIBIT\(230406JUSa3\)](#)

10:02:39 Dan Smith, Montana Police Protective Association (MPPA)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:03:57 Sen. Andrea Olsen
10:05:17 Chad Parker, DPHHS

Closing Statement:

10:11:17 Rep. Michael Yakawich (R), HD 51, closed the hearing on HB 800.

EXECUTIVE ACTION ON HB 674 - Generally revise firearm laws

10:43:07 **Motion:** Vice Chair Barry Usher moved that **HB 674 BE CONCURRED IN.**

10:43:07 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Manzella, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Webber, By Proxy

10:43:07 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 654 - Revise laws related to court recordings

10:44:38 **Motion:** Vice Chair Barry Usher moved that **HB 654 BE CONCURRED IN.**

Discussion:

10:44:53 Sen. Andrea Olsen

10:45:42 Sen. Bob Brown

10:44:38 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Friedel, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Webber, By Proxy

10:44:38 **Carrier Assigned:** Sen. Daniel Emrich

EXECUTIVE ACTION ON HB 680 - Generally revise laws related to criminal acts

10:47:41 **Motion:** Vice Chair Barry Usher moved that **HB 680 BE CONCURRED IN.**

Discussion:

10:48:10 Julianne Burkhardt

10:49:32 Chair Keith Regier

10:49:39 **Motion:** Vice Chair Barry Usher moved that **HB 680 BE AMENDED.**

Discussion:

10:50:06 Sen. Andrea Olsen

10:50:15 Chair Keith Regier

10:50:29 Julianne Burkhardt

- 10:50:45 Sen. Chris Friedel
- 10:51:03 Vice Chair Barry Usher
- 10:49:39 **Vote:** Motion carried unanimously by roll call vote.
- 10:52:26 **Motion:** Vice Chair Barry Usher moved that **HB 680 BE CONCURRED IN AS AMENDED.**
- Discussion:**
- 10:52:34 Sen. Andrea Olsen
- 10:53:17 Sen. Daniel Emrich
- 10:52:26 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Emrich, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Webber, By Proxy
- 10:52:26 **Carrier Assigned:** Sen. Chris Friedel

EXECUTIVE ACTION ON HB 704 - Revise laws related to expungement of dui

- 10:57:06 **Motion:** Vice Chair Barry Usher moved that **HB 704 TO TABLE.**
- 10:57:06 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Emrich, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Webber, By Proxy

EXECUTIVE ACTION ON HB 474 - Revise background checks for employees with federal tax information

- 10:58:49 **Motion:** Vice Chair Barry Usher moved that **HB 474 BE CONCURRED IN.**
- 10:58:49 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Gross, Sen. Kelker, Sen. Webber, By Proxy
- 10:59:56 **Motion:** Vice Chair Barry Usher moved that **HB 474 TO TABLE.**
- 10:59:56 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 631 - Bill for gun owners access to justice act

- 11:00:33 **Motion:** Vice Chair Barry Usher moved that **HB 631 BE CONCURRED IN.**
- Discussion:**
- 11:00:46 Sen. Andrea Olsen
- 11:02:28 Sen. Steve Hinebauch

11:00:33 **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

11:00:33 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 791 - Generally revise drug crime sentences

11:03:42 **Motion:** Vice Chair Barry Usher moved that **HB 791 BE CONCURRED IN.**

Discussion:

11:04:00 Sen. Andrea Olsen

11:04:55 Julianne Burkhardt

11:05:44 Vice Chair Barry Usher

11:03:42 **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

11:03:42 **Carrier Assigned:** Sen. Bob Brown

EXECUTIVE ACTION ON HB 709 - Create and share publicly a district court/judge performance indicator display

11:07:14 **Motion:** Vice Chair Barry Usher moved that **HB 709 BE CONCURRED IN.**

11:07:14 **Vote:** Motion carried unanimously by voice vote.

11:07:14 **Carrier Assigned:** Sen. Keith Regier

EXECUTIVE ACTION ON HB 800 - Provide limited criminal history of criminally charged mental health patient

11:08:34 **Motion:** Vice Chair Barry Usher moved that **HB 800 BE CONCURRED IN.**

Discussion:

11:09:48 Sen. Chris Friedel

11:08:34 **Vote:** Motion carried unanimously by roll call vote.

11:08:34 **Carrier Assigned:** Sen. Chris Friedel

EXECUTIVE ACTION ON HB 790 - Generally revise electronic monitoring and victim notification laws

11:09:45 **Motion:** Vice Chair Barry Usher moved that **HB 790 BE CONCURRED IN.**

11:13:53 **Vote:** Motion carried unanimously by voice vote.

11:09:45 **Carrier Assigned:** Sen. Chris Friedel

ADJOURNMENT

Adjournment: 11:11:51

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230406JUSaad\)](#)