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Law and Justice Interim Committee

61st Montana Legislature

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AGENDA

(as of 9/8/10)

Friday, September 10, 2010 - Day 2

Meeting #7

Room 152, Capitol, Helena

Please note: all times are approximate

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9:00 a.m. Reconvene - Roll Call
Welcome and overview of agenda

Agency oversight

Office of State Public Defender

9:05 a.m. Budget and report on reference book subcommittee discussion, **Ms. Pat Gervais**,
Legislative Fiscal Division

9:15 a.m. Legislative proposals, **Ms. Randi Hood**, Chief Public Defender

1. Allow access to jailed persons prior to court appointment
2. Allow recovery of public defender costs
3. Allow for flat fee contracts
4. Remove jail time as penalty in certain misdemeanor cases
5. Amend supervision of Chief Appellate Defender

Committee questions: Statutory report , section 47-1-105, MCA

→ Annual Report

→ Update on implementing American University recommendations

10:00 a.m. Public comment

10:15 a.m. **ACTION ITEM:** *Committee discussion and action on requesting bill drafts for Office of State Public Defender*

10:30 a.m. BREAK

Page 2
AGENDA
Friday, September 10, 2010 - Day 2

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SJR 39 - DUI Laws

10:45 a.m. Staff review of **revised** bills from June 30 meeting:

LC No. (unofficial)	Short title	Sponsor	Drafter
LCIj01	Driver's license sanctions for youthful drug or alcohol offenders	Sen. Hinkle	Lane
LCIj02	Allow game wardens to issue drug or alcohol citations to youth	Sen. Shockley	Lane
LCIj03	Mandatory alcohol server and sales training	Sen. Juneau	Heffelfinger
LCIj04	On-call judge for blood alcohol test search warrant	Sen. Shockley	Lane

11:00 a.m. Public comment on **revised** bills listed above

11:30 a.m. **ACTION ITEM:** *Committee discussion and action - Should LCIj01, LCIj02, LCIj03, and LCIj04 be formally requested and introduced as committee bills? Assignment of sponsors.*

12:00 noon LUNCH

1:00 p.m. Staff review and **PUBLIC HEARINGS** on **new** bills requested at June 30 meeting:

LC No. (unofficial)	Short title	Sponsor	Drafter
LCIj13	Study jail suicide	Rep. Menahan	Niss
LCIj14	Create misdemeanor crime of aggravated DUI	Sen. Jent	Lane
LCIj15	Authorize social host ordinances	Rep. Ebinger	Heffelfinger
LCIj16	Increase penalties for refusal to submit to breath or blood test	Rep. Peterson	Lane
LCIj17	Split from LCIj04 to revise implied consent to allow warrant for BAC	Sen. Shockley	Lane

Page 3
AGENDA
Friday, September 10, 2010 - Day 2

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- 3:00 p.m. BREAK
- 3:15 p.m. *ACTION ITEM:* Should LCJ13, LCJ14, LCJ15, LCJ16, and LCJ17 be formally requested and introduced as committee bills? Assignment of sponsors.
- 3:30 p.m. Public comment on bills *previously approved without amendment* at June 30 meeting:

LC No. <small>(unofficial)</small>	Short title	Sponsor	Drafter
LCJ05	Any amount of dangerous drug is impaired driving <i>per se</i>	Rep. Peterson	Lane
LCJ06A	Revising probationary drivers' licenses to provide DUI court participation incentive	Rep. Menahan	Heffelfinger
LCJ06B	Revising jail sentence for misdemeanor DUI/BAC offenses and providing DUI court participation incentive	Rep. Menahan	Heffelfinger
LCJ07	Allow cities to establish courts of record	Sen. Shockley	Lane
LCJ08	Strengthen chemical dependency Assessment, Course, and Treatment provisions	Rep. Menahan	Heffelfinger
LCJ10	One year jurisdiction for misdemeanor DUI/BAC offenses	Rep. Menahan	Lane
LCJ11	Eliminate the 5-year "look-back"	Rep. Menahan	Lane

- 4:00 p.m. *ACTION ITEMS:* Should LCJ05, LCJ06A, LCJ06B, LCJ07, and LCJ08, LCJ10, and LCJ11 be formally requested and introduced as committee bills? Assignment of sponsors.
- 4:30 p.m. Final report outline and process, **Sheri Heffelfinger**
Committee instructions to staff on final report
- 5:00 p.m. Closing remarks, **Rep. Stoker, Vice Chair**
Adjournment

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