



Law and Justice Interim Committee

66th Montana Legislature

SENATE MEMBERS

BRYCE BENNETT
JOHN ESP
STEVE FITZPATRICK
JEN GROSS
KEITH REGIER
DIANE SANDS

HOUSE MEMBERS

ROBERT FARRIS-OLSEN
FRANK FLEMING
KATHY KELKER
CASEY KNUDSEN
JASMINE KROTKOV
BARRY USHER

COMMITTEE STAFF

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

June 28, 2019
Room 102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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COMMITTEE MEMBERS PRESENT

SEN. BRYCE BENNETT
SEN. JOHN ESP
SEN. STEVE FITZPATRICK
SEN. JEN GROSS
SEN. KEITH REGIER
SEN. DIANE SANDS

REP. ROBERT FARRIS-OLSEN
REP. FRANK FLEMING
REP. KATHY KELKER
REP. CASEY KNUDSEN
REP. JASMINE KROTKOV
REP. BARRY USHER

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Staff Attorney
LAURA SHERLEY, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

CALL TO ORDER AND ROLL CALL

09:32:05 Sen. Esp called the meeting to order at 9:32 a.m. The committee secretary took roll ([Attachment 3](#)).

Introductions of Members and Staff

09:33:04 Rep. Fleming
09:34:01 Rep. Kelker
09:34:55 Sen. Fitzpatrick
09:35:13 Rep. Farris-Olsen
09:35:22 Rep. Usher
09:35:48 Ms. Burkhardt
09:36:08 Sen. Sands
09:36:49 Sen. Esp
09:37:09 Ms. Weiss
09:37:35 Ms. Sherley
09:37:52 Sen. Gross
09:38:22 Sen. Regier
09:38:48 Sen. Bennett
09:39:11 Rep. Knudsen
09:39:30 Rep. Krotkov

AGENCY UPDATE

09:41:25 Perry Johnson, Executive Director, Public Safety Officer Standards and Training (POST) Council

Committee questions

09:45:44 Rep. Kelker asked if the POST Council would recommend any changes to HB 96 (2019) or HB 97 (2019).

Public comment

09:47:09 Randall Knowles, Great Falls

ADMINISTRATIVE MATTERS

09:49:56 Ms. Weiss ([Exhibit 1](#)) ([Exhibit 2](#))

Committee questions/discussion

09:57:10 Sen. Sands commented on proxy votes and weighted chamber voting.
09:58:36 Sen. Gross asked for clarification on weighted chamber voting.

Motion

09:59:21 Rep. Kelker moved to adopt the Legislative Council's recommendation on proxy votes under Rules, Procedures, and Guidelines for Interim Committee's section IV, option A (see Exhibit 2).

Vote

09:59:44 The motion passed on an unanimous voice vote.

10:00:01 Ms. Weiss continued her presentation (**Exhibit 3**) Note: Exhibit 3 is available in the Legislative Services Division's office upon request (**Exhibit 4**) (**Exhibit 5**) (**Exhibit 6**) (**Exhibit 7**)

AGENCY OVERSIGHT

Board of Pardons and Parole

10:07:44 Annette Carter, Presiding Officer, Montana Board of Pardons & Parole (**Exhibit 8**)

Committee questions

10:20:27 Sen. Sands asked Ms. Carter to discuss administrative rule notifications.

10:22:25 Rep. Knudsen asked how many victim advocate liaisons are in the victim advocate program statewide and asked for further information on the program.

10:23:35 Sen. Regier asked how many cases the board averages a month, if the number of cases are increasing, and what the percentage of denials and acceptances is compared to previous years.

10:25:46 Sen. Gross asked if the board employs the victim advocate liaison directly, if the victim advocate liaison position is full-time, and how often the victim advocate liaison works with program participants directly.

10:26:53 Rep. Usher asked Ms. Carter to respond to the public comment regarding the approval of parole and time of release timeline.

10:29:04 Sen. Sands commented on potential committee research of the parole and release program.

10:29:50 Rep. Kelker asked Ms. Carter to review the parole process and what gaps there might be in parole services.

Office of State Public Defender

10:31:20 Rhonda Schaffer, Director, Office of State Public Defender

Committee questions

10:37:06 Sen. Gross asked Director Schaffer to discuss the office's procedure for processing fiscal notes.

10:38:41 Sen. Gross asked for further information on the trend of misdemeanor cases.

10:40:33 Rep. Kelker asked if the office is researching mediation options for child neglect cases to process them through treatment court rather than justice court.

Board of Crime Control

10:42:29 Peter Ohman, Presiding Officer, Board of Crime Control (BOC)

10:46:11 Natalia Bowser, Crime Control Bureau Chief, Department of Corrections (DOC)

Committee questions

10:54:24 Rep. Kelker asked if BOC staff write the Victims of Crime Act (VOCA) grants, if BOC staff keep data on the grants, and if the DOC receive grants from the board.

10:56:33 Sen. Gross asked which organization received the VOCA grant.

Public comment

11:00:03 Randall Knowles, Great Falls
11:04:21 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
11:09:51 Jackie Jones, Montana County Attorneys Association
11:14:54 Dave Galt, Montana Sheriffs and Peace Officers Association
11:16:06 Andy Hudak, Montana Sex Offenders Treatment Association
11:17:55 Laura Obert, Broadwater County Commissioner
11:21:45 Henry Muntzer, self
11:24:20 Rep. Usher ([Exhibit 9](#))

OVERVIEW OF DRAFT WORK PLAN, INTERIM STUDIES, AND ADMINISTRATIVE RULE REVIEWS

11:24:56 Ms. Weiss (see Exhibit 1) ([Exhibit 10](#)) ([Exhibit 11](#))

Committee questions

11:37:45 Sen. Sands asked for clarification on the Full-Time Employee (FTE) committee staff time allowance.

11:38:42 Ms. Weiss continued the presentation (see Exhibit 1).

Committee questions

11:42:33 Rep. Usher asked for a list of the committee monitored advisory councils.

11:42:51 Ms. Burkhardt continued the presentation ([Exhibit 12](#)).

Committee questions/comments

11:50:52 Sen. Sands commented on rulemaking authority.

11:52:47 Sen. Esp commented on the work plan and monitoring agency operations.

11:53:28 Ms. Weiss continued the presentation (see Exhibit 1) (see Exhibit 10).

Committee questions

11:57:08 Sen. Sands asked Ms. Weiss to discuss the fiscal involvement in the HB 715 (2019) study.

12:00:38 Rep. Kelker commented on HJ 64 and HJ 57 ([Exhibit 13](#)) ([Exhibit 14](#))

Public comment

12:02:47 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
12:03:40 Patrick Webb, Americans for Prosperity of Montana ([Exhibit 15](#))
12:04:40 Jana Staton, Missoula Partners for Reintegration ([Exhibit 16](#))
12:07:03 Jackie Jones, Montana County Attorneys Association ([Exhibit 17](#))
12:08:18 Frank Knaack, Montana Innocence Project ([Exhibit 18](#)) ([Exhibit 19](#))
12:09:32 Andy Hudak, Montana Sex Offender Treatment Association
12:13:24 Zuri Moreno, ACLU Montana ([Exhibit 20](#)) ([Exhibit 21](#))

ELECTION OF OFFICERS

Motion

12:15:12 Sen. Gross nominated Rep. Usher as presiding officer.

Vote

12:17:13 The motion passed on an unanimous voice vote.

Motion

12:17:25 Rep. Usher nominated Sen. Gross as vice-presiding officer.

Vote

12:19:02 The motion passed on an unanimous voice vote.

LUNCH (Reconvened at 1:11 p.m.)

13:12:07 Rep. Usher commented on committee discussion procedures and member research requests of staff.

13:13:49 Sen. Gross commented on committee work.

PUBLIC COMMENT ON ANY ITEM WITHIN THE COMMITTEE'S JURISDICTION BUT NOT ON THIS AGENDA

13:14:39 Francis Meagher, self ([Exhibit 22](#))

13:17:57 Randall Knowles, Great Falls

13:26:00 Fred Muntzer, self

13:27:50 Joshua Muntzer, self

13:31:46 Rep. Dunwell, HD 84 ([Exhibit 23](#))

13:33:31 Darci Harrison, self

COMMITTEE WORK SESSION

13:39:24 Ms. Weiss (see Exhibit 10) ([Exhibit 24](#)) ([Exhibit 25](#))

13:40:45 Committee discussion on the committee's work plan

Motion

13:57:34 Rep. Usher moved to adopt monitor agency operations option B of the work plan (see Exhibit 10).

Vote

13:57:35 The motion passed on a 11-1 voice vote, with Rep. Kelker voting 'no'.

Motion

13:57:50 Rep. Usher moved to adopt the remainder of the LJIC's statutory duties.

Vote

13:58:08 The motion passed on an unanimous voice vote.

13:58:57 Ms. Weiss continued her presentation (see Exhibit 10).

13:59:42 Committee discussion on assigned studies (see Exhibit 10)

Motion

14:10:44 Rep. Usher moved to adopt the committee's work plan on assigned studies.

Vote

14:10:45 The motion passed on an unanimous voice vote.

14:10:55 Committee discussion on potential member study topics.

Meeting dates

14:33:06 Committee discussion on meeting dates.

ADJOURNMENT

14:35:07 Rep. Usher adjourned the meeting at 2:35 p.m.

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