



CRIMINAL JUSTICE OVERSIGHT COUNCIL 69th Montana Legislature

SENATE MEMBERS

Laura Smith
Barry Usher

HOUSE MEMBERS

SJ Howell
Amy Regier

PUBLIC MEMBERS

Eldena Bear Don't Walk
Luke Berger
Charlie Brereton
Ross Canen
Alan Doane
Mark Dunn
Shantelle Gaynor
Brian Gootkin
David Armstrong
Jimmy Patelis
Brett Schandelson
Jessica Flint
Amy Tenney
Scott Twito

COMMITTEE STAFF

Laura Sherley - Lead Staff
Ania Alduenda - Secretary

MINUTES LOG

July 23, 2025
Capitol Room 137 and Zoom
Helena, Montana

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

MEMBERS PRESENT:

Sen. Barry Usher, Presiding Officer (R)
Sen. Laura Smith (D)
Rep. Amy Regier (R)
Rep. SJ Howell (D)
Alan Doane, Public Member
Mark Dunn, Public Member
Shantelle Gaynor, Public Member
Brian Gootkin, Public Member
David Armstrong, Public Member
Jimmy Patelis, Public Member
Jessica Flint, Public Member
Amy Tenney, Public Member

MEMBERS EXCUSED:

Luke Berger, Vice Presiding Officer
Eldena Bear Don't Walk, Public Member
Brett Schandelson, Public Member
Scott Twito, Public Member
Charlie Brereton, Public Member
Ross Canen, Public Member

MEMBERS ABSENT:**STAFF PRESENT:**

Laura Sherley, Lead Staff
Ania Alduenda, Secretary

AGENDA ([Attachment 1](#))**VISITORS' LIST** ([Attachment 2](#))**CALL TO ORDER / ROLL CALL**

10:01:36 Presiding Officer Amy Regier called the meeting to order at 10:01 AM. The committee secretary took roll.

Introduction of New Public Members

10:03:12 David Armstrong, Chief Executive Officer, Alternatives Inc.
10:03:35 Jessica Flint, State Government Relations Manager, Alliance Defending Freedom (ADF)

ELECTION OF OFFICERS

10:04:08 Presiding Officer Amy Regier

Motion

10:04:52 Alan Doane nominated Sen. Barry Usher to be the Presiding Officer of the Criminal Justice Oversight Council.

Vote

10:05:11 Carried unanimously by roll call vote.

Motions

10:06:44 Rep. SJ Howell nominated Sen. Laura Smith to be the Vice Presiding Officer of the Criminal Justice Oversight Council.
10:08:08 Director Brian Gootkin nominated Judge Luke Berger to be the Vice Presiding Officer of the Criminal Justice Oversight Council.
10:08:15 Rep. Amy Regier

Vote

10:08:25 Failed 10-8 by roll call vote on the motion to nominate Sen. Laura Smith as Vice Presiding Officer with Sen. Laura Smith, Rep. SJ Howell, Judge Mark Dunn, Director Brett Schandelson, Eldena Bear Don't Walk, Shantelle Gaynor, Amy Tenney, and David Armstrong voting 'yes'. Director Brett Schandelson and Eldena Bear Don't Walk by proxy.

10:09:50 Rep. Amy Regier

Vote

10:10:00 The motion to nominate Judge Luke Berger as Vice Presiding Officer carried unanimously by roll call vote.

10:11:04 Rep. Amy Regier

10:11:44 Presiding Officer Barry Usher

VICTIM SERVICES: MONTANA BOARD OF CRIME CONTROL (MBCC)

10:13:08 Presiding Officer Barry Usher

10:13:40 Tawny Rogers, Victim Services Liaison, MBCC

10:14:23 Laura Sherley, Lead Staff, Legislative Services Division (LSD)

10:14:53 Tawny Rogers, MBCC

[EXHIBIT 1](#)

[EXHIBIT 2](#)

Committee Discussion / Questions

10:33:00 Rep. SJ Howell left the meeting.

10:33:06 Director Brian Gootkin

10:33:39 Natalia Bowser, Director, MBCC

10:35:04 Presiding Officer Barry Usher

10:35:52 Shantelle Gaynor

10:36:37 Tawny Rogers

10:38:52 Presiding Officer Barry Usher

10:39:18 Director Natalia Bowser, MBCC

10:40:57 Sen. Laura Smith

10:41:30 Tawny Rogers

10:43:04 Presiding Officer Barry Usher

10:43:36 Tawny Rogers

10:44:21 Shantelle Gaynor

10:44:44 Tawny Rogers

Public Comment

10:45:08 May Simmons, Lake County

10:49:32 Josh Butterfly, Prayer Warriors Tribal Council

10:52:54 Presiding Officer Barry Usher

10:53:10 Nanette Gilbertson, Montana County Attorneys Association (MCAA) and the Montana Sheriffs and Peace Officers Association (MSPOA)

10:56:04 Beth Brenneman, Montana Coalition Against Domestic and Sexual Violence

DEPARTMENT OF CORRECTIONS (COR)

10:58:29 Presiding Officer Barry Usher

10:58:52 Eric Strauss, Deputy Director, COR

10:59:14 Director Brian Gootkin

Committee Discussion / Questions

11:01:51 Sen. Laura Smith
11:01:58 Deputy Director Eric Strauss, COR
11:02:07 Sen. Laura Smith
11:02:11 Natalie Smitham, Chief Financial Officer, COR
11:03:57 Director Brian Gootkin
11:04:30 Shantelle Gaynor
11:05:04 Scott Eychner, Chief Executive Officer of Rehabilitation & Programs, COR
11:05:57 Presiding Officer Barry Usher
11:06:08 Scott Eychner, COR
11:06:46 David Armstrong
11:06:56 Director Brian Gootkin
11:07:03 Deputy Director Eric Strauss
11:07:31 David Armstrong
11:07:43 Deputy Director Eric Strauss
11:07:51 Jimmy Patelis
11:08:46 Deputy Director Eric Strauss
11:09:19 Rep. Amy Regier
11:09:30 Deputy Director Eric Strauss
11:09:36 Director Brian Gootkin
11:10:03 Presiding Officer Barry Usher

Public Comment

11:10:21 Josh Butterfly, Prayer Warriors Tribal Council
[EXHIBIT 3](#)
11:13:48 May Simmons, Lake County

2025-2026 WORK DISCUSSION

11:19:19 Presiding Officer Barry Usher
11:19:42 Laura Sherley, Lead Staff, Legislative Services Division (LSD)
[EXHIBIT 4](#)
[EXHIBIT 5](#)

Committee Discussion / Questions

11:22:15 Sen. Laura Smith
11:22:34 Laura Sherley, LSD
[EXHIBIT 6](#)
11:24:17 Presiding Officer Barry Usher

Motion

11:26:40 Sen. Laura Smith moved to adopt the changes made in Section 11 of the Criminal Justice Oversight Council Operating Procedures Draft. (See Exhibit 5)

Discussion on the Motion

11:26:49 Sen. Laura Smith
11:27:09 Presiding Officer Barry Usher

Vote

11:27:18 Carried unanimously by voice vote.

2025-2026 WORK DISCUSSION - Continued

11:28:08 Laura Sherley
(See Exhibit 6)
[EXHIBIT 7](#)
[EXHIBIT 8](#)

Committee Discussion / Questions

11:31:47 Sen. Laura Smith
11:31:53 Laura Sherley

2025-2026 WORK DISCUSSION - Continued

11:32:49 Laura Sherley

Committee Discussion / Questions

11:35:49 Presiding Officer Barry Usher
11:38:19 Director Brian Gootkin
11:40:01 Presiding Officer Barry Usher

11:40:21 **Recessed**

13:00:53 **Reconvened**

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (DPHHS)

13:00:57 Presiding Officer Barry Usher
13:01:27 Meghan Peel, Division Administrator, Behavioral Health and Developmental
Disabilities Division, DPHHS
[EXHIBIT 9](#)

Committee Discussion / Questions

13:12:22 Jimmy Patelis
13:12:42 Meghan Peel, DPHHS
13:15:58 Amy Tenney
13:22:51 Shantelle Gaynor
13:23:26 Meghan Peel
13:27:33 David Armstrong
13:27:43 Meghan Peel
13:29:07 Presiding Officer Barry Usher
13:29:16 Meghan Peel
13:29:30 Scott Twito joined the meeting via Zoom.

Public Comment

13:29:43 May Simmons, Lake County
13:33:54 Presiding Officer Barry Usher
13:34:03 Scott Twito

ARRAIGNMENT COURT

13:34:37 Judge David Carter, Yellowstone County Justice Court
[EXHIBIT 10](#)
[EXHIBIT 11](#)
[EXHIBIT 12](#)

Committee Discussion / Questions

13:49:43 Presiding Officer Barry Usher
13:50:01 Jimmy Patelis
13:50:26 Judge David Carter, Yellowstone County Justice Court
13:52:27 Shantelle Gaynor
13:52:54 Judge David Carter
13:56:54 Scott Twito
13:57:16 Judge David Carter
13:59:35 Judge Mark Dunn
13:59:47 Judge David Carter
14:00:17 Rep. SJ Howell returned to the meeting via Zoom.
14:01:01 Presiding Officer Barry Usher
14:01:40 Judge David Carter
14:02:07 Presiding Officer Barry Usher

Public Comment

14:02:18 May Simmons, Lake County

2025-2026 WORK DISCUSSION - Continued

14:03:28 Presiding Officer Barry Usher
14:03:53 Laura Sherley, Lead Staff, Legislative Services Division (LSD)
[EXHIBIT 13](#)

Public Comment

14:05:33 Presiding Officer Barry Usher
14:06:07 Erin McGowan, Montana Community Corrections Association
14:07:38 Nanette Gilbertson, Montana County Attorneys Association (MCAA) and the Montana Sheriffs and Peace Officers Association (MSPOA)
14:11:24 May Simmons, Lake County

Work Plan Matrix Calculation: Senate Joint Resolution 36

14:15:07 Presiding Officer Barry Usher
[EXHIBIT 14](#)
(See Exhibit 8)

14:17:41 Laura Sherley, LSD

Committee Discussion / Questions

14:20:14 Scott Twito
(See Exhibit 8)
14:21:05 Rep. SJ Howell
(See Exhibit 8)
14:22:31 Kelly Driscoll, Family Defense Bureau Chief, Office of Public Defender
14:23:01 Sen. Laura Smith
14:23:50 Rep. Amy Regier
14:24:02 Presiding Officer Barry Usher
14:24:14 Laura Sherley
14:24:37 Presiding Officer Barry Usher
14:26:09 Sen. Laura Smith
14:26:17 Kelly Driscoll, OPD
14:27:00 Scott Twito
14:28:11 Presiding Officer Barry Usher

Motion

14:28:28 Jimmy Patelis moved to remove the Senate Joint Resolution 36 Study from the Criminal Justice Oversight Council's 2025-2026 Work Plan and to have staff draft a letter to Legislative Council requesting the study be reassigned to the Children, Families, Health, and Human Services Interim Committee.

Vote

14:28:53 Carried unanimously by voice vote.

Work Plan Matrix Calculation: House Joint Resolution 45

14:29:33 Presiding Officer Barry Usher
(See Exhibit 7)
14:30:05 Laura Sherley

Committee Discussion / Questions

14:31:08 Presiding Officer Barry Usher
14:31:54 Laura Sherley
14:32:10 Judge Mark Dunn
14:32:38 Presiding Officer Barry Usher
14:33:00 Jimmy Patelis
14:33:59 Sen. Laura Smith
14:34:28 Presiding Officer Barry Usher

14:34:58 **Recessed**

14:44:42 **Reconvened**

2025-2026 WORK DISCUSSION - Continued**Work Plan Matrix Calculation**

14:44:43 Presiding Officer Barry Usher
(See Exhibit 14)

Work Plan Matrix Calculation: Fines, Court Fees, and Restitution

14:45:32 Rep. SJ Howell

Committee Discussion / Questions

14:46:50 Judge Mark Dunn
14:47:14 Sen. Laura Smith
14:48:21 Director Brian Gootkin
14:48:39 Presiding Officer Barry Usher

Work Plan Matrix Calculation: Juvenile Justice System

14:49:52 Sen. Laura Smith

Committee Discussion / Questions

14:50:34 Rep. Amy Regier
14:50:41 Sen. Laura Smith
14:50:49 Scott Twito

Work Plan Matrix Calculation: Commitments, Conditional Release, and Community Correctional Facilities

14:51:41 Presiding Officer Barry Usher

Committee Discussion / Questions

14:53:08 Jimmy Patelis
14:54:23 Sen. Laura Smith
14:55:00 Director Brian Gootkin
14:56:22 Scott Twito
14:58:19 Director Brian Gootkin
[EXHIBIT 15](#)
14:59:04 Presiding Officer Barry Usher
14:59:46 Scott Twito
15:01:54 David Armstrong
15:02:41 Presiding Officer Barry Usher
15:03:18 Jimmy Patelis

Work Plan Matrix Calculation: Recovery Residences – Senate Bill 94 (2023)

15:04:37 Presiding Officer Barry Usher

Committee Discussion / Questions

15:06:06 Sen. Laura Smith
15:06:27 Presiding Officer Barry Usher

15:06:57 David Armstrong
15:07:20 Presiding Officer Barry Usher
15:07:57 Jimmy Patelis
15:08:56 Alan Doane
15:09:31 Scott Twito

Work Plan Matrix Calculation: Yellowstone Arraignment Court

15:10:09 Presiding Officer Barry Usher

Work Plan Matrix Calculation: Senate Bill 84 and Senate Bill 89 (2025)

15:10:35 Presiding Officer Barry Usher
15:10:50 Scott Twito
15:10:59 Director Brian Gootkin

Committee Discussion / Questions

15:12:29 Director Brian Gootkin
15:12:47 Presiding Officer Barry Usher
15:12:51 Jimmy Patelis
15:13:11 Presiding Officer Barry Usher
15:14:31 Sen. Laura Smith
15:15:52 Jimmy Patelis
15:16:51 Director Brian Gootkin

Work Plan Matrix Calculation: Federal vs. State Definition of Bodily Injury

15:17:37 Presiding Officer Barry Usher
15:17:54 Shantelle Gaynor
15:18:34 Scott Twito
15:20:09 Presiding Officer Barry Usher

Motion

15:20:15 Scott Twito moved to draft a letter to the Montana federal delegation re: incompatible federal and state definitions of bodily injury (USA vs. DEFRANCE, No. 23-2409, 9th Cir. 2024)

Vote

15:21:05 Carried unanimously by voice vote.

Discussion on the Motion

15:21:16 Sen. Laura Smith requested a copy of the letter before it is sent.
15:21:20 Presiding Officer Barry Usher

Work Plan Matrix Calculation: Siloed Behavioral Health and Criminal Justice Systems

15:21:45 Presiding Officer Barry Usher
15:21:55 Shantelle Gaynor

Committee Discussion / Questions

15:23:43 Judge Mark Dunn
15:25:53 Sen. Laura Smith
15:26:00 Presiding Officer Barry Usher

Work Plan Matrix Calculation: Human Trafficking of Youth

15:27:17 Presiding Officer Barry Usher
15:27:25 Shantelle Gaynor

Committee Discussion / Questions

15:28:31 Rep. Amy Regier
15:28:43 Presiding Officer Barry Usher
15:29:36 Sen. Laura Smith
15:30:03 Scott Twito
15:30:34 Presiding Officer Barry Usher
15:31:29 Sen. Laura Smith
15:31:35 Shantelle Gaynor
15:33:29 Presiding Officer Barry Usher
15:33:53 Scott Twito

Work Plan Matrix Calculation: Vicarious Trauma

15:34:30 Presiding Officer Barry Usher
15:34:40 Shantelle Gaynor

Committee Discussion / Questions

15:36:07 Kelly Driscoll, Family Defense Bureau Chief, Office of Public Defender
15:36:51 Amy Tenney

Work Plan Matrix Calculation: Work Time Credit

15:37:26 Presiding Officer Barry Usher

Committee Discussion / Questions

15:37:41 Director Brian Gootkin
15:37:46 Presiding Officer Barry Usher
15:37:57 Sen. Laura Smith
15:38:46 David Armstrong
15:38:57 Scott Twito
15:39:23 Sen. Laura Smith
15:39:29 Presiding Officer Barry Usher

Work Plan Matrix Calculation: Criminal Justice Oversight Council Statutory Duties

15:39:52 Presiding Officer Barry Usher

Committee Discussion / Questions

15:41:21 Kelly Driscoll, OPD
15:42:17 Presiding Officer Barry Usher
15:42:41 Director Brian Gootkin
15:42:49 Presiding Officer Barry Usher
15:43:01 Nanette Gilbertson, Montana County Attorneys Association (MCAA) and the Montana Sheriffs and Peace Officers Association (MSPOA)
15:43:49 Presiding Officer Barry Usher
15:44:08 Sen. Laura Smith
15:44:25 Presiding Officer Barry Usher
15:45:07 Scott Twito
15:46:41 Jimmy Patelis
15:48:10 Shantelle Gaynor
15:48:49 Sen. Laura Smith
15:49:49 Director Brian Gootkin
15:50:58 Presiding Officer Barry Usher

COUNCIL WORK SESSION**Proposed Meeting Dates**

15:51:39 Presiding Officer Barry Usher
(See Exhibit 6)
15:51:52 Laura Sherley, Lead Staff, Legislative Services Division (LSD)
15:52:04 Presiding Officer Barry Usher
15:54:06 Shantelle Gaynor
15:55:28 Laura Sherley, LSD
15:56:01 Presiding Officer Barry Usher

Motion

15:56:16 Alan Doane moved to adopt the meeting dates as presented on page 15 of the Criminal Justice Oversight Council Work Plan. (See Exhibit 6)

Vote

15:56:25 Carried unanimously by voice vote.

Meeting Wrap Up

15:56:43 Presiding Officer Barry Usher
15:56:51 Jimmy Patelis
15:57:52 Laura Sherley
15:58:17 Presiding Officer Barry Usher
15:59:08 Sen. Laura Smith
15:59:21 Presiding Officer Barry Usher

ADJOURNMENT

Adjournment: 15:59:28