

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY**

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 15, 2001
at 9:05 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Walter McNutt (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)

Members Excused: None.

Members Absent: None.

Staff Present: Anne Felstet, Committee Secretary
Valencia Lane, Legislative Branch
Jodi Pauley, Transcriptionist

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearings and Dates Posted: HB 290, HB 360, HB 434, HB 563
Executive Action: HB 560

HEARING ON HB 290

Sponsor: REP. BUTCH WADDILL, HD 62, Florence

Proponents:

Kirsten LaCroix, Missoula Co. Prosecutor
Kelly Cogley, Women's Law Caucus-U.M.
Julie Johnson, Women's Law Caucus

Pam Bucy, Assistant Attorney General
Rich Ochner, Missoula Police Dept.
Mike Barrett, Self
Dallas Erickson, Montana Citizens for Decency through Law
Diana Garrett, President of Women's Law Caucus
Julie Millam, Christian Coalition
James Bekier, Women's Law Caucus

Opponents: None

Opening Statement by Sponsor:

REP. BUTCH WADDILL, HD 62, Florence, said there are certain people who have used their occupation to take advantage of women. He said this has allowed those individuals to commit sexual intercourse without consent. He read a newspaper article from the Missoulian, January 31, 2001, titled the Court Reverses Photographer's Rape Conviction. **EXHIBIT (jus59a01)** He said this bill would incorporate deception and coercion into the language of the rape law. He said it was amended in the House and line 26 was stricken.

Proponents Testimony:

Kirsten LaCroix, Missoula Co. Prosecutor, referred to the Missoulian Newspaper Article, *Court Reverses Photographer's Rape Conviction*. (EXHIBIT 1) She said there was at least 20 women who were molested by this man. He was charged with offending 14 of them and convicted on 12 of those accounted. Most of them were teenagers and young women. The molestation occurred in the context of him posing them during photo sessions. She said most of them had no means of escape as they were locked into a room. She explained some of the examples that had happened to each of these women. She said there are several of these types of cases throughout the country, however they are mostly classified as moral or heinous crimes. She said they have had cases come across their desk and they have had to decline prosecution based on the uncertainty of this legislation. **{Tape : 1; Side : A; Approx. Time Counter : 0 - 14.4}**

Kelly Cogley, Women's Law Caucus-U.M., said their group was instrumental in getting this legislation drafted. After studying the Stevens case, there was a gap discovered in the law where it would be very difficult to prove sexual intercourse without consent. She said in these types of cases the conduct is sexual intercourse under the statute, but the women never consented. The problem is that as they looked at the statute, the "without consent" part of the statute is not clear because if a victim

didn't consent they legally didn't non-consent. She said there is a loophole in the law and she urged support for the bill.

Julie Johnson, Women's Law Caucus, said they expect to be protected from someone who uses force, coercion or surprise.

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Pam Bucy, Assistant Attorney General, said it is impossible to imagine the way a criminal can take advantage of an unsuspecting victim. This behavior has happened and will likely happen again and this bill fills a loophole. This bill adds to the definition of "without consent" with the words "deception, coercion and surprise".

Rich Ochner, Missoula Police Dept., said they have dealt with many cases like this before and offenders are actually aware of this loophole and will take advantage of it.

Mike Barrett, representing himself, rose in support of HB 290 and read some of the poetry he had composed. **{Tape : 1; Side : A; Approx. Time Counter : 14.4 - 26.3}**

Dallas Erickson, Montana Citizens for Decency through Law, read testimony in favor of HB 290. **EXHIBIT (jus59a02)**

Diana Garrett, President of Women's Law Caucus, said without this bill there would be many victims who will have no justice.

Julie Millam, Christian Coalition, rose in support of HB 290. **EXHIBIT (jus59a03)**

James Bekier, Women's Law Caucus, urged passage of HB 290.

Opponents Testimony: None

Questions from Committee Members and Responses:

SEN. JERRY O'Neil asked what the definition of coercion was in this section. **REP. WADDILL** said he didn't think there was a definition of coercion anywhere listed in these statutes. He said coercion is something that is done under the table or without legitimate means as defined in the dictionary. **{Tape : 1; Side : B; Approx. Time Counter : 0 - 29.6}**

CHAIRMAN GROSFIELD said coercion is not defined in title 45, but deception is.

SEN. STEVE DOHERTY said he felt that there needed to be a definition especially for surprise as he doesn't really know what

that means. **Pam Bucy** said there are many terms in the criminal statute that are not defined and she does not think they need to be defined as they are defined in the dictionary. **Kirsten LaCroix** said one of the problems is they have so many words in statutes that are defined and others that have no definition. The problem is those that are defined, often they have several situations where they cannot see every possible scenario. She said personally, she would like to get rid of the entire definition of "without consent" and let the juries decide each issue. She said often they take the dictionary definition and the word "surprise" is fairly understandable.

SEN. DOHERTY said this language is probably okay because if the victim is overcome with surprise, the victim may be incapable of consent. **Kirsten LaCroix** said as it stands right now that without the word "surprise" in there defined or not, a person walking down the street could have a man come from behind and commit the act of penetration, but not cause physical injury and this would not be a violation under the current statute. The word "surprise" needs to be in this bill.

SEN. O'Neil asked if there is any difference in the penalty for "sex without consent" and "sex with the use of force". **Kirsten LaCroix** said there is no difference in the penalty.

SEN. DUANE GRIMES said under the statute, there would have to be some unreasonable behaviors on the one that has been violated in order to prove "without consent". He said he was concerned that someone might entice the photographer, etc. and then later claim surprise, deception or coercion and how are they protected against that. He said he does not want this to be used mischievously, etc. **Kirsten LaCroix** said there was a state statute where they have to prove the mental state of the defendant as well as the victim. She said the second thing is prosecutorial discretion. They get a lot of sex cases and only about one-third of those cases are charged. *{Tape : 1; Side : B; Approx. Time Counter : 0 - 10.2}*

CHAIRMAN GROSFIELD said this bill talks about the use of concealment and the House struck that out and used deception and coercion. He asked what the difference was by using these words. **Kelly Cogley** said when they began drafting this legislation they went through the statutes from other states and they used specific language with the words "concealment" and "surprise". She said the reason they put it under force was there was a prior case in Montana involving a high school student and a superintendent. The superintendent told the student that if she didn't have sexual relations with him that he would make sure she

did not graduate and she was over 18. She said the House did amend this and is for the better as there are several occasions where force was not the issue.

CHAIRMAN GROSFIELD said the House has stricken "concealment" and put in "deception and coercion" and this was a concern. **Kelly Cogley** said there are certain cases that are concealment issues, but could also be argued under surprise as well. She said she felt a prosecutor could make a valid case under the definition of deception or surprise. **Kirsten LaCroix** said she does not like the word "concealment" because there are not practical situations in which it would apply and it could be covered by the word "surprise". The necessary parts of the bill need to identify "surprise" and "deception" and they don't need to be defined.

CHAIRMAN GROSFIELD said some of the situations that were talked about in testimony involved the work place, etc., where the defendant had some sort of authority over their victims. He asked if there were unintended consequences and would this bill inter-relate with such scenarios as date rape, etc. **Kirsten LaCroix** said she did not think this language would encourage false reporting which is something they are wary of anyway. She said the applicability of these amendments was universal not just pointing at professional entities.

SEN. GRIMES asked currently when they apply "intercourse without consent" statutes do they have to prove there was reasonable resistance at all. **Kirsten LaCroix** said in the rape statute there was a provision that says that a victim is not required to resist that force, fear or threat alone is sufficient. But in some cases a jury does not use it.

SEN. HALLIGAN said because of the expansion of the definition do they open up the victim's sexual history allowed under the statute. **Kirsten LaCroix** said no there are statutes that protect women from this happening.

Closing By Sponsor:

REP. WADDILL said it is difficult for legislators to determine what the extent of their decision are going to be when they are put into law. He said the protection of the victim needs to be put above those who commit offenses. He said this bill is time sensitive as there are cases like this happening all the time and this will help fill a gap in the current law. **{Tape : 1; Side : B; Approx. Time Counter : 10.2 - 26}**

HEARING ON HOUSE BILL 434

Sponsor: REP. CLARICE SCHRUMPF, HD 12, Billings

Proponents: Rodney Garcia, School Task Force
Dallas Erickson, Montana Citizens for Decency through Law
Julie Millam, Christian Coalition

Opponents: None

Opening Statement by Sponsor: REP. CLARICE SCHRUMPF, HD 12,
Billings, opened on HB 434. **EXHIBIT**(jus59a04)

Proponents' Testimony: Rodney Garcia, School Task Force, said a few years back they had a sexual offender who lived near Garfield School in Billings and he molested 29 boys. He said this is 29 individuals whose lives have been destroyed and this bill will help to keep sex offenders from moving into school areas, parks and day cares.

Dallas Erickson, Montana Citizens for Decency through Law, said they were concerned about sex offenders trying to get help from churches, etc. and there is an amendment that takes care of that problem.

Julie Millam, Christian Coalition, rose in support of HB 434.
EXHIBIT(jus59a05)

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. O'Neil asked in this bill why not say that level three sex offender's residence shall be approved by the parole officer.

REP. SCHRUMPF said she is sure that the parole officers do investigate residences where sex offenders are going to live and take these places into consideration. There is no place in the world where there are no children and sex offenders will find them anyway if they want to. She said as a neighbor they build up relations with children and soon the barriers are down and this can create problems. **{Tape : 2; Side : A; Approx. Time Counter : 0 - 6.1}**

SEN. O'Neil said this law looks like it is giving the probation officer the power to let a sex offender live near a school if they feel it is appropriate. He said this language does not seem to change the current law very much. **REP. SCHRUMPF** said she felt the parole officer always has the first say as they inspect the

neighborhood. She said the bill states the obvious place where there is children. **Pam Bucy**, Assistant Attorney General, said probation officers already have to approve where a level three sexual offender is living.

SEN. O'Neil asked what is this bill doing then. **Pam Bucy** said it is giving the probation officer guidance and telling them how far away from a school they can be placed.

SEN. HALLIGAN asked why do they not want to go into the sentencing statutes when the judge is ordering certain guidelines for sex offenders. **Pam Bucy** said in the cases she has dealt with it is usually in the court order already.

SEN. HALLIGAN asked if they are giving the probation officer authority that the judiciary hasn't already given them. **Mark Murphy**, Assistant Attorney General, said in some recent cases the Montana Supreme Court has refined sentencing authority for district courts by requiring that these restrictions be announced in open court so the defendant has awareness of them. Probation and parole are in the pre-sentence authority and are recorded in the written judgment.

SEN. GRIMES said they are trying to restrict areas where sex offenders may come in contact with children and he can think of no better place than the church. He wondered if they should put in some type of language pertaining to churches where they are not members. **Dallas Erickson** said there was testimony in the House from a minister who works with sexual offenders and those offenders live on the church grounds and are supervised and treated there. He said they were concerned that this law would preclude them from working with sexual offenders. He said this might be a good point and an amendment may be appropriate.

CHAIRMAN GROSFIELD discussed section 2 of the bill concerning penalties. He asked if these penalties fit in with current law. **Mike Murphy** said this creates a separate penalty for failure to live where it is appropriate for a sex offender to live. This is a felony offense and penalties are set on risk. This is set on children and this is a high-risk rating. Criminal law is only beginning to address preventative stages and this bill is moving into that area.

CHAIRMAN GROSFIELD asked if there was a case of a sex offender who took up residence and he does not fall under section (1) and he lives there for five or 10 years and someone builds a school across the street would that person have to move. **Mike Murphy** said there is no grandfather clause for sex offenders, but those conditions may change. He said it would depend on the period of

the sentence and would probably be handled by his probation officer. He has to register his location ever time he moves and would assume that he could be forced to move if the probation officer saw fit. **{Tape : 2; Side : A; Approx. Time Counter : 6.1 - 18.8}**

Closing by Sponsor:

REP. SCHRUMPF explained section one of the bill and felt that the probation officer could take care of those problems.

HEARING ON HOUSE BILL 360

Sponsor: REP. PAUL CLARK, HD 72, Trout Creek

Proponents: Tootie Welker, Sanders Co. Coalition for Families
Mary Moon, Self
Mike Barrett, Self
Mark Murphy, Assistant Attorney General
Tonda Moon, Self
Dallas Erickson, MT Citizens For Decency through Law
Julie Millam, Christian Coalition
John Halpop, Self

Opponents: None

Opening Statement by Sponsor: REP. PAUL CLARK, HD 72, Trout Creek, said this bill defines sexual violence. He said the bill was amended in the House and the focus of the bill was on lines 25-27. He said they want to include sex crimes against children and the burden of proof should not be put on children to testify in court for these crimes. He said they are not including statutory rape in this bill. He referred to several sections of the bill and statutes. **EXHIBIT(jus59a06)** He said they traditionally think of violence as a physical act such as kicking or hitting, but violence is a little different in this scenario. One-third of all rape victims will develop post traumatic stress disorder and no crime, even homicide, creates such devastating effects. Research shows with children it is even more severe and longer lasting. He read some excerpts from letters of support for this bill. He said young children such as 4 or 5 years old or even older should not have to prove in court that there was force involved. He said in this bill they are including that force was actually involved and that it does not have to be proven. He said they really don't need blood and violence when referring to sexual crimes. **{Tape : 2; Side : A; Approx. Time Counter : 18.8 - 29.8}**

Proponents' Testimony: Tootie Welker, Sanders Co. Coalition for Families, rose in support of HB 360. **EXHIBIT(jus59a07) {Tape : 2; Side : B; Approx. Time Counter : 0 - 5.1}**

Mary Moon, Self, turned in testimony in favor of HB 360.
EXHIBIT(jus59a08)

Mike Barrett, Self, said he was in favor of HB 360. **{Tape : 2; Side : B; Approx. Time Counter : 5.1 - 9.5}**

Mark Murphy, Assistant Attorney General, said in 46-18-225 there were alternatives to sentencing that this bill will impact. He discussed this section further and what it does. He said with this bill they are trying to make certain that a district court does not look at those alternatives as mandatory in cases of sex offenses against children. He said they teach children to obey adults and often incest crimes are not violent with bruises being seen very seldom in sexual crimes against children. But young lives are destroyed very early when they are victims of sexual offenses. He said when they start looking at definitions of crimes of violence there is almost always unexpected consequences.

Tonda Moon, Self, rose in support of HB 360. **EXHIBIT(jus59a09) {Tape : 2; Side : B; Approx. Time Counter : 9.5 - 20.1}**

Dallas Erickson, MT Citizens For Decency through Law, said they feel that the sexual abusive law should fall under the violent crime category.

Julie Millam, Christian Coalition, said this bill is important so that victims don't end up being victims twice.

John Halpop, Self, said this bill is needed. **EXHIBIT(jus59a10)**

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. O'Neil asked if the substance of the bill would be changed if they included 45-5-625 sub-parts (a), (b) and (c). **CHAIRMAN GROSSFIELD** asked if he was referring to (1) a,b,c or (2) a,b,c. **SEN. O'Neil** said (1) a,b,c. He said if a person has a picture of a 17 year old girl involved in a sexual act, it would exclude that as a crime of violence rather than include it. But if a person does take a photograph of a 17-year-old in order to procure that picture would this be a crime of violence. **REP.**

CLARK said subsection a,b,c, are the primary concerns that they have. Subsections d,e,f, etc. are secondary.

SEN. HALLIGAN said most statutes refer to 16 year olds and not 13 year olds and why was this included on line 26. **REP. CLARK** said when they get into ages there has to be some subjectivity. He said he was pushing for 16, but the House Committee felt that 13 was sufficient as many girls are reaching puberty, etc. He said below the age of 12 it was discussed that they were simply too young to be consenting and this is why it was amended.

SEN. HALLIGAN said this may be sending the wrong message that it is okay to do these types of things at this age and 16 might be better. **Mark Murphy** said there is no consistency in this area. He said there are a number of different ages in which children are given responsibility. In the youth court act the age to be considered an adult for felony crimes is 12. For sexual assault there is consent at age 14. They can consent to sexual intercourse at age 16 and sexual intercourse with a stepparent at age 18. The age of 13 was a compromise to these various ages.

CHAIRMAN GROSFIELD asked about the message this was sending. **Mark Murphy** said this affects everyone differently as children have different levels of maturity at different times. He said the choice of the date doesn't reflect the actual individual's ability to consent.

CHAIRMAN GROSFIELD said part of the purpose of this bill was to take away the plea bargaining of prosecutors and were county attorneys concerned with this. **Mark Murphy** said this bill does not limit a prosecutor's direct ability to plea bargain a case. He said this bill gives the prosecutor more power in the plea bargaining process. He said they can present to the defense council that this is a crime of violence and the client is going to jail, etc. and this increases the plea bargaining measures.

CHAIRMAN GROSFIELD asked how many convictions statewide on an annual basis would end up in this area and would be convicted under MCA 46-18-225. **Mark Murphy** said incest is one of the most important as it is usually in secrecy and does not come out until after the crime has occurred. If this bill is tied with good education and people are taught to recognize the crime, it is essential. He felt that incest is one of the most under-reported crimes that they see. He said in sex offense cases when they are picking juries the most often asked question is have you been a victim of a sexual crime. He said 15 years ago no one answered that question in the positive and now because of education and prosecution there are many that admit they have been molested.

He felt this could impact at least 100 cases immediately statewide with this legislation.

CHAIRMAN GROSFIELD asked with the jury selection was there any type of statute of limitation. **Mark Murphy** said currently there is and they have another bill to address this.

CHAIRMAN GROSFIELD said there is no fiscal note with this bill and is it going to cost some money. **Mark Murphy** said he didn't think it had been addressed at this point. He said he did not think it would have immediate impact as most of the cases were going to jail anyway without this bill. **REP. CLARK** said there was some discussion from the Department of Corrections and the Department of Justice. He said they could not require a fiscal note with an undetermined impact. He said there might be some increases in sentencing but they cannot determine that as they don't know how the judicial system would use this change.

SEN. GRIMES asked if an offense occurred and it became a violent offense under this bill, could a judge take the mental state into consideration on the sentencing. **Mark Murphy** said the district judge always takes those kinds of concerns into consideration and there is a specific section allowing mental disability to be considered in the sentencing process. He said the court takes in all of the factors and when mental illness is an issue incarceration is not mandated.

SEN. RIC HOLDEN said 46-18-225 refers to six different references to other parts of the statutes. He said what are the unintended consequences when they start to change the law.

EXHIBIT (jus59a11)

He asked how would this affect children who are 13 to 18 and are in a relationship with one another and how would this affect them. **Mike Murphy** said this was presented to the Attorney General's office when this was first drafted and there was a memo sent out concerning this. **EXHIBIT (jus59a12)** He said there are four different sections affected by this. Crime of violence is used on a very limited basis within the statute and appears only once. The drafting of this bill was done carefully to try and avoid unintended consequences.

SEN. HOLDEN said he would like to have a fiscal note. *{Tape : 2; Side : B; Approx. Time Counter : 20.1 - 23.1}*

Closing By Sponsor: **REP. CLARK** said he is concerned about unintended consequences. He said there is no fiscal note as it is impossible to predict the fiscal impact because there are no mandatory increased sentences. He said this bill is important to families and these kinds of activities are violent. He read a

letter from Sanders County. He said seldom is physical violence utilized when dealing with young children as it is not needed. He said when these acts cross the line the child is paralyzed with fear. He said this bill is not intended to create unintended consequences for teenagers. He said they came up with 13 years old as they had to define at what age it was impossible for a child to give consent. He urged passage of HB 360.

HEARING ON HOUSE BILL 563

Sponsor: REP. PAUL CLARK, HD 72, Trout Creek

Proponents: Pam Bucy, Assistant Attorney General

Opponents: None

Opening Statement by Sponsor: REP. PAUL CLARK, HD 72, Trout Creek, said this is a broad policy issue. He said right now the statute of limitation for felonies other than murder is five years. He said it has come to his attention that a perpetrator can commit four rapes in 15 years. If he is caught on the fourth rape he will be tried as a first time offender. He said right now they give rapists license to start all over again in five years. He said this is a big policy decision that many other states are also being faced with. He said they give certain considerations for murder that go above and beyond all other considerations, however to have an unending amount of time to prosecute a murder and only five years for rape is unbalanced. He said the crimes being considered here are sexual assault, rape and incest.

Proponents' Testimony: Pam Bucy, Assistant Attorney General, said the reason they have statute of limitations is because evidence does disappear over time and it is difficult for prosecutors to prosecute cases and for defendants to defend themselves. DNA testing has changed all of that as it does not go away and is helping prosecutors and defendants. She said the crimes that this bill is addressing are as important as murder charges. *{Tape : 3; Side : A; Approx. Time Counter : 0 - 7.3}*

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. HALLIGAN said if they can use DNA evidence forever why is there a time limit on the bill. **REP. CLARK** said this was amended in the House and he is not sure why a time limit was put on except that maybe they were leaping too far too soon. This was a compromise from no statute of limitations to five years.

SEN. HALLIGAN said if the Senate amended to leave the misdemeanor statute of limitation in the bill and to take out the felony limitation would this pass in a conference committee. **REP. CLARK** said he supported that and felt the House would go for that also.

SEN. GRIMES said they are considering statute of limitation on some of their worse offenses because of DNA technology that they didn't have in prior years. He asked if they had thought of the implications on some of the other serious offenses under level two as this is a level three offense. He said they have mitigated homicide, aggravated kidnapping, etc. that are under level three and they cannot be done in this bill, but will have to be probably dealt with in the future. **Pam Bucy** said this is a new area in the law and the state and prosecutors are just starting to learn about this. She felt there would be more bills like this in the future as they use DNA technology more.

SEN. GRIMES said under level three offenses they don't only have 502, 503, 507 sections but also the 625 section and had this been considered as well. **REP. CLARK** said originally the wording was going to be wherever DNA data is present and conclusive for any statute. But it was decided that this was too big of a step, but eventually this is going to happen with the collection of DNA anyway and will eliminate many statutes of limitations.

SEN. HOLDEN said he is not concerned with the DNA gathering, but when someone is charged with sexual offenses and there is a statute of limitation of 15 years and there is other evidence involved beside DNA how does this affect the issue. **REP. CLARK** said he has thought about that and this is why he considers it a policy issue. He said if they have a crime of murder they have the same type of evidence as they do with any other crime, however there is no statute of limitation on murder. He said he felt there is injustice being served right now because if someone is a rapist, they can commit four rapes in 15 years and it is still considered a first time offense and that is absurd.

SEN. O'Neil asked how conclusive is DNA on an incest case where the DNA needs to be some of the mother and father. **Pam Bucy** said she prosecuted an incest case of brother and sister and they could clearly distinguish between the two. She said if all they have is DNA, no prosecutor would bring a case forward anyway.

SEN. O'Neil asked if this bill is also taking into consideration all of the other cases that doesn't include DNA. **Pam Bucy** said yes it does.

Closing by Sponsor:

REP. CLARK said this bill is asking the question of what crimes should there be a statute of limitations and if there is a statute of limitation why not have one for murder also. He urged passage of HB 563. **{Tape : 3; Side : A; Approx. Time Counter : 7.3 - 21.6}**

EXECUTIVE ACTION ON HOUSE BILL 560

Motion: **REP. O'NEIL** moved HB 560 **BE CONCURRED IN.**

Discussion:

SEN. GRIMES said this could apply to other cases as well and this a good first step. He asked what about the word written on line 14 and line 24. **Valencia Lane**, Legislative Staff, said this is a good change. She said if there is a dispute in the terms it is good to have it written down.

SEN. GRIMES said not only can a settlement be offered by the defendant but also by the plaintiff. **Valencia Lane** explained the language on lines 19-21, and said this is not common because it does allow the plaintiff to make an offer.

SEN. GRIMES said perhaps it should be amended so that it is prorated. They would get a prorated portion of the attorney fees depending on how much the difference was.

SEN. O'Neil said he felt they are beyond their jurisdiction to even consider this bill. Article 7-2-3 says the Supreme Court may make rules governing practice and procedure for all other courts. He read rule 68 of the rules and procedures of this statute. He said they are amending rules that the Supreme Court has made.

Motion: **SEN. O'Neil** withdrew his motion. **{Tape : 4; Side : A; Approx. Time Counter : 0 - 2.9}**

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. LORENTS GROSFIELD, Chairman

CECILE TROPILA, Secretary

LG/AF/CT

EXHIBIT (jus59aad)