

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

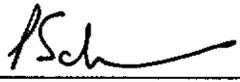
DATE 2/2/05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. DIANE RICE, CHAIR	X		
REP. RON STOKER, VICE CHAIR	X		
REP. PAUL CLARK, VICE CHAIR	X		
REP. ARLENE BECKER	X		
REP. ROBYN DRISCOLL	X		
REP. GEORGE EVERETT	X		
REP. GAIL GUTSCHE	X		
REP. CHRISTOPHER HARRIS	X		
REP. ROGER KOOPMAN	X		
REP. MIKE LANGE	X		
REP. TOM MCGILLVRAY	X		
REP. MARK NOENNIG	X		
REP. ART NOONAN	X		
REP. JOHN PARKER	X		
REP. JON SONJU	X		
REP. JOHN WARD	X		
REP. BILL WILSON	X		
REP. JEANNE WINDHAM	X		

COMMITTEE FILE COPY

TABLED BILL

The HOUSE JUDICIARY COMMITTEE TABLED HB 368, by motion, on **Wednesday, February 2, 2005.**



(For the Committee)



(Chief Clerk of the House)

(Time) 1 2/2 (Date)

February 2, 2005

Pamela E. Schindler, Secretary

Phone: 444-4838

2/2 ump



*Pass
7/13.4*

HOUSE STANDING COMMITTEE REPORT

February 2, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 324** (first reading copy -- white) **do pass as amended.**

Signed:

Diane Rice
Representative Diane Rice, Chair

And, that such amendments read:

1. Page 1, line 30.

Following: "means an"

Insert: "office of a medical practitioner, as defined in 37-2-101, or any other facility or"

- END -

Committee Vote:
Yes 10, No 8.

261349SC.hkh

2/2 vmp



*Jan
Bennett*

HOUSE STANDING COMMITTEE REPORT

February 2, 2005

Page 1 of 4

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 326** (first reading copy -- white) do pass as amended.

Signed: *Diane Rice*
Representative Diane Rice, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "METHAMPHETAMINE;"

Insert: "REQUIRING THE DEPARTMENT OF CORRECTIONS TO CONTRACT FOR THE ESTABLISHMENT AND MAINTENANCE OF RESIDENTIAL METHAMPHETAMINE TREATMENT PROGRAMS AND TO ADOPT RULES FOR THE PROGRAMS;"

Strike: the second "AND"

Insert: ", "

2. Title, page 1, line 6.

Following: "45-9-102, "

Insert: "AND 53-1-203,"

3. Page 4, line 7 through line 8.

Strike: "If a" on line 7 through "suspended." on line 8

4. Page 4, line 10.

Strike: "of the first 3 years"

5. Page 5, line 3.

Insert: "**Section 3.** Section 53-1-203, MCA, is amended to read:

"53-1-203. **Powers and duties of department of corrections.**

(1) The department of corrections shall:

(a) adopt rules necessary to carry out the purposes of

Committee Vote:

Yes 15, No 3.

261350SC.hkh

2/2 JMR

41-5-123 through 41-5-125, rules necessary for the siting, establishment, and expansion of prerelease centers, rules for the establishment and maintenance of residential methamphetamine treatment programs, and rules for the admission, custody, transfer, and release of persons in department programs except as otherwise provided by law. However, rules adopted by the department may not amend or alter the statutory powers and duties of the state board of pardons and parole. The rules for the siting, establishment, and expansion of prerelease centers must state that the siting is subject to any existing conditions, covenants, restrictions of record, and zoning regulations. The rules must provide that a prerelease center may not be sited at any location without community support. The prerelease siting, establishment, and expansion must be subject to, and the rules must include, a reasonable mechanism for a determination of community support or objection to the siting of a prerelease center in the area determined to be impacted. The prerelease siting, establishment, and expansion rules must provide for a public hearing conducted pursuant to Title 2, chapter 3.

(b) subject to the functions of the department of administration, lease or purchase lands for use by correctional facilities and classify those lands to determine those that may be most profitably used for agricultural purposes, taking into consideration the needs of all correctional facilities for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in correctional facilities;

(c) contract with private, nonprofit Montana corporations to establish and maintain;

(i) prerelease centers for purposes of preparing inmates of a Montana prison who are approaching parole eligibility or discharge for release into the community, providing an alternative placement for offenders who have violated parole, and providing a sentencing option for felony offenders pursuant to 46-18-201. The centers shall provide a less restrictive environment than the prison while maintaining adequate security. The centers must be operated in coordination with other department correctional programs. This subsection does not affect the department's authority to operate and maintain prerelease centers.

(ii) residential methamphetamine treatment programs for the purpose of alternative sentencing as provided for in 45-9-102, 46-18-201, 46-18-202, and any other sections relating to alternative sentences for persons convicted of possession of methamphetamine. The department shall issue a request for proposals using a competitive process and shall follow the applicable contract and procurement procedures in Title 18.

(d) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under

this title;

(e) propose programs to the legislature to meet the projected long-range needs of corrections, including programs and facilities for the custody, supervision, treatment, parole, and skill development of persons placed in correctional facilities or programs;

(f) encourage the establishment of programs at the local and state level for the rehabilitation and education of felony offenders;

(g) administer all state and federal funds allocated to the department for youth in need of intervention and delinquent youth, as defined in 41-5-103;

(h) collect and disseminate information relating to youth in need of intervention and delinquent youth;

(i) maintain adequate data on placements that it funds in order to keep the legislature properly informed of the specific information, by category, related to youth in need of intervention and delinquent youth in out-of-home care facilities;

(j) provide funding for and place youth who are adjudicated to be delinquent or in need of intervention and who are committed to the department;

(k) administer youth correctional facilities;

(l) provide supervision, care, and control of youth released from a state youth correctional facility; and

(m) use to maximum efficiency the resources of state government in a coordinated effort to:

(i) provide for delinquent youth committed to the department; and

(ii) coordinate and apply the principles of modern correctional administration to the facilities and programs administered by the department.

(2) The department and a private, nonprofit Montana corporation may not enter into a contract under subsection (1)(c) for a period that exceeds 10 years. The provisions of 18-4-313 that limit the term of a contract do not apply to a contract authorized by subsection (1)(c). Prior to entering into a contract for a period of 10 years, the department shall submit the proposed contract to the legislative audit committee. The legislative audit division shall review the contract and make recommendations or comments to the legislative audit committee. The committee may make recommendations or comments to the department. The department shall respond to the committee, accepting or rejecting the committee recommendations or comments prior to entering into the contract.

(3) The department of corrections may enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of intervention and delinquent youth in youth correctional facilities."

- END -



HOUSE STANDING COMMITTEE REPORT

February 2, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 280** (first reading copy -- white) **do pass as amended.**

Signed: _____

Diane Rice
Representative Diane Rice, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Following: "COMMUNICATIONS;"

Insert: "REQUIRING THE COURT TO INFORM THE DEFENDANT THAT THE DEFENDANT HAS THE RIGHT TO OBJECT TO THE USE OF AUDIO-VIDEO COMMUNICATIONS;"

2. Page 1, line 18.

Strike: "observed and"

3. Page 1, line 19.

Following: "present"

Insert: "and allowing the party to be seen"

4. Page 1, line 27 through line 28.

Strike: ", in the" on line 27 through "or by" on line 28

Insert: "be satisfied by"

Following: "communication" on line 28

Insert: "if neither party objects and the court agrees to its use and has informed the defendant that the defendant has the right to object to its use"

5. Page 3, line 7.

Following: "use"

Insert: "and has informed the defendant that the defendant has

Committee Vote:

Yes 16, No 2.

261351SC.hkh

2/2 ymo

the right to object to its use"

6. Page 3, line 30.

Following: "use"

Insert: "and has informed the defendant that the defendant has
the right to object to its use"

7. Page 4, line 13.

Following: "use"

Insert: "and has informed the defendant that the defendant has
the right to object to its use"

8. Page 4, line 22.

Following: "use"

Insert: "and has informed the defendant that the defendant has
the right to object to its use"

9. Page 5, line 15.

Following: "use"

Insert: "and has informed the defendant that the defendant has
the right to object to its use"

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/2/05 BILL NO 324 MOTION NO. 1
 MOTION: _____

Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR		X	
REP. ARLENE BECKER	X		
REP. PAUL CLARK, VICE CHAIR	X		
REP. ROBYN DRISCOLL	X		
REP. GEORGE EVERETT		X	
REP. GAIL GUTSCHE	X		
REP. CHRISTOPHER HARRIS	X		
REP. ROGER KOOPMAN		X	
REP. MIKE LANGE		X	
REP. TOM MCGILLVRAY		X	
REP. MARK NOENNIG	X		
REP. ART NOONAN	X		
REP. JOHN PARKER	X		X
REP. JON SONJU		X	
REP. JOHN WARD		X	
REP. BILL WILSON	X		
REP. JEANNE WINDHAM	X		
REP. DIANE RICE, CHAIR		X	

10/8

COMMITTEE PROXY

DATE: ~~1/12/05~~ 4/26/05

I request to be excused from the JUDICIARY

Committee because of other commitments. I desire to leave my proxy vote with:
Rep. Paul Clark

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

	HOUSE BILL/AMENDMENT	AYE	NO		SENATE BILL/AMENDMENT	AYE	NO
	HB 006103.0 jua (4)/(6)		✓		HB 313	✓	
	HB 006103.0 jua (5)/(7)		✓		MOTION TO TABLE ^{HB} 333	✓	
	HB 006101.0 jua	✓		2/1	HB 350	✓	✓
	HB 006102.0 jua		✓		HB 432 Table	✓	
1/12	HB 61		✓		HB 61		✓
	HB 94 Table motion	✓			HB 197 HB 197	✓	
	HB 95 Table motion	✓			HB 98	✓	
1/26	HB 267	✓			HB 99 amend	✓	
					HB 99	✓	
1/31	MOTION TO TABLE HB 263		✓	2/2	Harris amendment to HB 368		✓
	MOTION TO TABLE ^{HB} 132		✓		Long amendment to HB 368		✓
	HB 262 (AMEND)	✓			Cooperman substitute	✓	
	HB 262				TABLE HB 368	✓	
					Amend 32401	✓	
					HB 324 - Driscoll	✓	
					Amend 32601 HB 326	✓	
					HB 326	✓	
					M. Gilroy Amend	✓	
					HB 265 Table	✓	
					Amend 28501	✓	
					Windham amend on HB 285	✓	
					amend HB 280	✓	
					HB 280	✓	

Rep/Sen. John Clark
 (Signature)

COMMITTEE PROXY

DATE: 1/13/05

I request to be excused from the JUDICIARY COMMITTEE

Committee because of other commitments. I desire to leave my proxy vote with:

REP CLARK

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO SENATE BILL/AMENDMENT AYE NO

1/13	HB 6801. ajm amend	✓	
	HB 68		✓
2/1	HB 380	✓	
	HB 432	✓	
	HB 61		✓
2/2	Amend 28501	✓	
	W met been amend on HB 285	✓	
	Amend HB 280	✓	
	HB 280	✓	

Rep/Sen. Christopher Hein
(Signature)

COMMITTEE PROXY

DATE: 2/2/2005

I request to be excused from the H. Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:
Ron Stokun

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HOUSE BILL/AMENDMENT	AYE	NO
<u>HR 280 + Amend</u>	<u>X</u>	

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. [Signature]
(Signature)

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/2/05

Bill No. HB-91 Sponsor(s) Rep. C. Harris

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Dallas D Erickson	MFC	X		
HARRIS HIMES	MFC	X		
Terrance Lee	Self	X		
Shannon Bennett	Self	X		
Jim Kambel	MT Assoc of Chiefs of Police	X		
Bill Muhs	MADD	X		
Kris Minard	self	X		
John Iverson	self		X	
Mike Tarley	MHP	X		
Jennifer Williamson	MADD	X		
Don Har Group	MASP	X		X
GARY FORRESTER	MT CONTRACTOR ASSN	X		
Maria Jampin	Bayd Andreu	X		
Bridget Nordme	DOT	X		
Cheryl Kiedle	LCSC	X		
Bill Slaughter		X		
Geoff Felts	MT Telecom Assn	X		
Jacque Trude	self	P		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/2/05

Bill No. HB-374 Sponsor(s) Rep. C. Harris

PLEASE PRINT

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PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
HARRIS FLINES	MFC	✓		
Shannon Bennett	Self	✓		
Jim Lynch	MDT	✓		
Bill Muhs	MADD	✓		
Dallas Erickson	MFC	✓		
Kris Munnell	self	✓		
Jenifer Williamson	MADD	✓		
Maureen [unclear]	SHARPER [unclear]	✓		
Jacqueline Trude	self	✓		
GILDA CLANCY	MT EAGLE FORUM	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.
/s/JudicVisitorReg.sample2003

HOUSE OF REPRESENTATIVES

Bill #91

Judiciary Committee

WITNESS STATEMENT

PLEASE PRINT

NAME Jeannie Poe BUDGET _____

ADDRESS Hamilton DATE 2/2/05

WHOM DO YOU REPRESENT? All Nations Ministries

SUPPORT: OPPOSE _____ AMEND _____

COMMENTS:

This Bill is long overdue, statistics show the unavoidable facts, it is time to enact regulations, allowing officers to public to exercise the ability to act on ensuring safety of general public, when it is apparent that an individual or individuals are placing themselves or others in harms way w/ liquor being the root cause.

Also "Dallas" insertion of appropriate verbiage (covering seizure) of containers "open" or not I also support.

Saving lives is the key to this. Lives are more important than "Liberal" open container laws.

