

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on February 12, 2007
at 10:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Larry Jent (D)
Sen. Aubyn Curtiss (R)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)
Sen. David E. Wanzonried (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 433, 2/8/2007
Executive Action: SJ 8, SB 8, SB 342, SB 348, SB 408,
SB 294, SB 109, SB 283

00:00:21 Chair relinquished to Sen. Moss

HEARING ON SB 433

Opening Statement by Sponsor:

00:00:36 **SEN. JESSE LASLOVICH (D), SD 43**, opened the hearing on **SB 433**, Allow termination of deferred or suspended sentences.

Proponents: None.

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:09:30 Sen. Perry to Sen. Laslovich

00:12:07 Sen. Pease to Sen. Laslovich

00:13:30 Sen. Juneau to Sen. Laslovich

00:15:56 Sen. O'Neil to Sen. Laslovich

00:19:58 Sen. Perry to Sen. Laslovich

Closing by Sponsor:

00:24:16 Sen. Laslovich

EXECUTIVE ACTION ON SJ 8

00:25:52 **Motion:** **SEN. O'NEIL** moved that **SJ 8 DO PASS.**

Discussion:

00:24:53 Sen. O'Neil

00:27:38 Sen. Shockley

00:28:53 Sen. Jent

00:29:40 Sen. Laslovich

00:32:14 Sen. Perry

00:33:00 Sen. Wanzenried

00:33:21 Sen. O'Neil

00:34:25 Sen. Wanzenried

00:35:00 Sen. O'Neil

00:40:13 Motion/Vote: Motion failed 5-7 by roll call vote with
SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and
SEN. SHOCKLEY voting aye.

00:41:05 Motion/Vote: SEN. LASLOVICH moved that SJ 8 BE TABLED
AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 8

00:41:37 Motion: SEN. SHOCKLEY moved that SB 8 DO PASS.

Discussion:

EXHIBIT(jus31a01)

00:42:19 Sen. Shockley

00:44:04 Motion: SEN. SHOCKLEY moved that SB000803.AVL BE
ADOPTED.

Discussion:

00:44:16 Valencia Lane, LSD

00:45:56 Sen. Shockley

00:46:55 Sen. Laslovich

00:47:20 Valencia Lane

00:47:26 Motion/Vote: Motion to adopt SB000803.AVL carried
unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE
voted aye by proxy.

00:48:18 Motion: SEN. SHOCKLEY moved that SB 8 DO PASS AS
AMENDED.

Discussion:

00:25:52 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON SB 8. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 342

00:49:48 Motion: SEN. SHOCKLEY moved that SB 342 DO PASS.

Discussion:

00:50:00 Sen. Laslovich

00:50:18 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON SB 342. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE voted aye by proxy.

EXECUTIVE ACTION ON SB 348

00:51:07 Motion: SEN. JENT moved that SB 348 DO PASS.

Discussion:

[EXHIBIT \(jus31a02\)](#)

00:51:49 Motion: SEN. MOSS moved that AMENDMENT BE ADOPTED.

Discussion:

00:52:19 Valencia Lane, LSD

00:53:07 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote. SEN. MCGEE voted aye by proxy.

00:53:37 Motion: SEN. JENT moved that SB 348 DO PASS AS AMENDED.

Discussion:

00:53:39 Sen. Jent

00:54:16 Motion/Vote: SEN. MOSS CALLED THE QUESTION ON SB 348. Motion carried unanimously by voice vote. SEN. MCGEE voted aye by proxy.

EXECUTIVE ACTION ON SB 408

00:55:45 Motion: SEN. SHOCKLEY moved that SB 408 DO PASS.

Discussion:

00:56:05 Sen. O'Neil

00:57:25 Sen. Shockley

00:57:48 Motion/Vote: SEN. SHOCKLEY moved that CONCEPTUAL AMENDMENT BE ADOPTED. Motion carried unanimously by voice vote. SEN. MCGEE voted aye by proxy.

00:58:05 Motion: SEN. SHOCKLEY moved that SB 408 DO PASS AS AMENDED.

Discussion:

00:58:07 Sen. Shockley

00:58:22 Motion: SEN. WANZENRIED CALLED THE QUESTION ON SB 408.

00:58:51 Motion/Vote: SEN. JENT moved that SB 408 BE TABLED. Motion carried 8-4 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, and SEN. PERRY voting no.

EXECUTIVE ACTION ON SB 294

01:01:50 Motion: SEN. JENT moved that SB 294 DO PASS.

Discussion:

01:01:53 Sen. Jent

01:02:15 Motion/Vote: SEN. WILLIAMS CALLED THE QUESTION ON SB 294. Motion failed unanimously by voice vote.

01:04:51 Motion/Vote: SEN. LASLOVICH moved that SB 294 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 109

01:05:24 Sen. Laslovich - bill was previously tabled.

01:05:28 Sen. Shockley - may want to reconsider action.

Discussion:

01:05:43__Sen. Shockley

01:06:03 Sen. Laslovich

01:06:35 Sen. Wanzonried - would like copy of the bill in front of him before any new action is taken.

01:06:38 Sen. Shockley

01:07:08 Sen. Laslovich - will reconsider SB 109 tomorrow, February 13, 2007.

EXECUTIVE ACTION ON SB 283

EXHIBIT (jus31a03)

01:09:33 **Motion:** SEN. MOSS moved that SB 283 DO PASS.

Discussion:

01:09:48 **Motion:** SEN. MOSS moved that SB028302.APM BE ADOPTED.

Discussion:

01:10:02 Sen. Laslovich

01:10:31 Valencia Lane, LSD

01:12:13 Sen. O'Neil

01:13:44 Valencia Lane

01:14:59 **Substitute Motion:** SEN. O'NEIL made a Substitute Motion that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

01:15:18 Sen. Wanzonried to Valencia Lane

01:17:07 Sen. Shockley to Sen. O'Neil

01:19:28 Sen. Laslovich

01:20:04 Sen. Shockley

01:20:42 Sen. Perry to Sen. O'Neil

01:23:08 Sen. Jent

01:23:26 Sen. O'Neil

01:25:56 Sen. Jent

01:26:43 Sen. O'Neil

01:27:19 Sen. Shockley

01:27:44 Sen. Perry

01:28:02 **Vote: Motion TO ADOPT CONCEPTUAL AMENDMENT failed 2-10 by roll call vote with SEN. LASLOVICH and SEN. O'NEIL voting aye.**

01:29:18 **Motion: SEN. WANZENRIED moved that AMENDMENT SB023802.APM BE ADOPTED. Motion carried unanimously by voice vote. SEN. MOSS, SEN. JUNEAU, and SEN. WILLIAMS voted aye by proxy.**

01:31:03 **Motion: SEN. SHOCKLEY moved that SB 238 DO PASS AS AMENDED.**

Discussion:

01:31:10 **Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON SB 283. Motion carried 10-2 by voice vote with SEN. CURTISS and SEN. MCGEE voting no. SEN. WILLIAMS, SEN. JUNEAU, and SEN. MOSS voted aye by proxy.**

ADJOURNMENT

Adjournment: 11:40 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus31aad.pdf](#))