

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 3, 2009 at 8:02
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Keith Regier (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands (D), Rep. Michael More (R)

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, 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 92, 2/19/2009; SB 96, 2/19/2009;
SB 121, 2/19/2009; SB 139,
2/19/2009

Executive Action: SB 139

HEARING ON SB 139

Opening Statement by Sponsor:

Sen. Gary Perry (R), SD 35, did **not** open the hearing on SB 139, Fingerprints for misdemeanor offenses.

Proponents' Testimony:

00:02:12 Leo Gallagher, Montana County Attorneys Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:04:08 Rep. Wagner
00:04:30 Mr. Gallagher
00:04:31 Chairman Stoker

Closing by Sponsor: None

HEARING ON SB 121

Opening Statement by Sponsor:

00:04:57 Sen. Larry Jent (D), SD 32, opened the hearing on SB 121, Allow COPP to apply for court order to compel obedience to subpoena.

Proponents' Testimony: None

Opponents' Testimony:

00:09:17 Jeff Laszloffy, president, Montana Family Foundation
00:12:26 Harris Himes, pastor, Big Sky Christian Center
00:14:52 Rep. Menahan
00:16:58 Chairman Stoker
00:17:00 Mr. Himes
00:19:32 Chairman Stoker
00:19:35 Mr. Himes
00:19:45 Chairman Stoker
00:19:54 B.G. Stumberg, Canyon Ferry Road Baptist Church
00:22:53 Lynn Stumberg, Eagle Forum

Informational Testimony: None

Additional Proponents' Testimony:

00:23:27 Dennis Unsworth, Commissioner of Political Practices
00:23:46 Chairman Stoker
00:23:48 Mr. Unsworth
00:24:07 Chairman Stoker
00:24:08 Mr. Unsworth
00:29:12 Rep. Peterson
00:29:16 Chairman Stoker
00:29:44 Mr. Unsworth
00:29:50 Chairman Stoker

Questions from Committee Members and Responses:

00:30:03 Rep. Peterson
00:30:17 Chairman Stoker
00:30:22 Rep. Peterson
00:30:34 Sen. Jent
00:30:37 Rep. Peterson
00:31:06 Sen. Jent
00:31:35 Rep. Peterson
00:31:38 Chairman Stoker
00:31:43 Rep. Wagner
00:31:49 Mr. Unsworth
00:31:50 Rep. Wagner
00:32:11 Mr. Unsworth
00:33:40 Rep. Wagner
00:33:58 Mr. Unsworth
00:34:52 Rep. Wagner
00:34:53 Rep. Kottel
00:35:00 Sen. Jent
00:35:00 Rep. Kottel
00:35:26 Sen. Jent
00:37:35 Chairman Stoker
00:37:42 Rep. Kottel
00:37:54 Mr. Unsworth
00:39:05 Rep. Kottel
00:39:15 Mr. Unsworth
00:39:26 Rep. MacDonald
00:40:00 Mr. Unsworth
00:40:49 Chairman Stoker
00:40:53 Rep. Regier
00:41:04 Mr. Unsworth
00:41:47 Rep. Blewett
00:42:07 Mr. Unsworth
00:43:40 Chairman Stoker
00:44:17 Mr. Unsworth
00:45:33 Chairman Stoker
00:46:12 Mr. Unsworth
00:46:20 Chairman Stoker

Closing by Sponsor:

00:46:30 Sen. Jent

00:50:53 Chairman Stoker

HEARING ON SB 96

Opening Statement by Sponsor:

00:51:13 Sen. Larry Jent (D), SD 32, opened the hearing on SB 96, Revise mental illness evaluations in criminal justice system.

Proponents' Testimony:

00:53:59 Ed Amberg, Director, Warm Springs State Hospital

01:00:54 Pam Bunke, Department of Corrections

01:03:28 Matt Kuntz, National Alliance for Mental Illness

Opponents' Testimony:

01:05:32 Mark Murphy, Yellowstone County Attorney's Office

01:10:16 Leo Gallagher, Montana County Attorneys Association

Informational Testimony: None

Questions from Committee Members and Responses:

01:15:29 Rep. Regier

01:15:38 Sen. Jent

01:15:40 Rep. Regier

01:15:54 Sen. Jent

01:16:38 Rep. Menahan

01:16:48 Mr. Amberg

01:16:50 Rep. Menahan

01:17:48 Mr. Amberg

01:17:52 Chairman Stoker

01:17:58 Mr. Amberg

01:20:32 Rep. Menahan

01:20:59 Mr. Amberg

01:21:50 Rep. Menahan

01:22:05 Mr. Amberg

01:22:45 Rep. Becker

01:23:46 Mr. Amberg

01:24:19 Rep. Becker

01:24:19 Mr. Amberg

01:26:09 Rep. Becker

01:26:29 Mr. Amberg

01:27:56 Rep. Kottel
01:28:41 Sen. Jent
01:30:06 Rep. More joined the meeting.
01:30:49 Rep. Kottel
01:31:59 Sen. Jent
01:34:59 Rep. Wagner
01:35:16 Mr. Amberg
01:35:17 Rep. Wagner
01:36:07 Mr. Amberg
01:40:16 Rep. Wagner
01:41:55 Mr. Amberg
01:42:00 Rep. Wagner
01:42:39 Mr. Amberg
01:43:43 Rep. Peterson
01:44:22 Mr. Murphy
01:44:45 Rep. Peterson
01:45:16 Mr. Murphy
01:45:44 Rep. Peterson
01:46:00 Mr. Murphy
01:46:02 Rep. Peterson
01:46:14 Mr. Murphy
01:46:32 Rep. Peterson
01:46:44 Mr. Murphy
01:46:47 Rep. Peterson
01:47:08 Mr. Murphy
01:48:51 Rep. Peterson
01:49:05 Mr. Murphy
01:49:12 Rep. Peterson
01:49:31 Mr. Murphy
01:50:09 Rep. Peterson
01:50:18 Mr. Murphy
01:50:50 Rep. Peterson
01:50:52 Chairman Stoker
01:51:03 Rep. Wagner
01:51:40 Brant Light, Assistant Attorney General
01:51:56 Rep. Wagner
01:52:23 Mr. Light
01:54:42 Rep. Wagner
01:55:49 Mr. Light
01:56:09 Rep. Sands joined the meeting.
01:56:21 Rep. Wagner
01:56:26 Mr. Light
01:56:58 Rep. Wagner
01:57:01 Rep. Menahan
01:57:11 Mr. Amberg
01:57:20 Rep. Menahan
01:57:39 Mr. Amberg
01:57:48 Rep. Menahan
01:58:05 Mr. Amberg
01:58:11 Chairman Stoker

Closing by Sponsor:

01:58:20 Sen. Jent
02:00:32 Chairman Stoker
02:00:50 Recess
02:17:04 Reconvened
02:18:25 Chairman Stoker

HEARING ON SB 92

Opening Statement by Sponsor:

02:18:44 Sen. Larry Jent (D), SD 32, opened the hearing on SB 92, Castle doctrine for use of force in defense.

Proponents' Testimony:

02:25:17 Hal Harper, Chief Policy Advisor, Governor Schweitzer's office
02:26:30 Brant Light, Office of the Attorney General
02:27:06 Mark Murphy, Montana County Attorneys Association
02:29:54 Leo Gallagher, Lewis and Clark County Attorney, Montana County Attorneys Association
02:31:06 Pam Bucy, Montana Police Protective Association; Association of Chiefs of Police
02:31:38 Jim Smith, Montana Sheriffs and Peace Officers Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:32:36 Sen. Jent
02:33:07 Chairman Stoker

EXECUTIVE ACTION ON SB 139

02:33:33 **Motion:** Rep. Peterson moved that **HB 139 BE CONCURRED IN.**

02:33:40 Chairman Stoker

02:33:43 **Substitute Motion/Vote:** Rep. Peterson made a substitute motion that **SB 139 BE TABLED**. Substitute motion carried unanimously by voice vote.

ADJOURNMENT

02:34:06 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

[EXHIBIT \(juh47a01\)](#)

[EXHIBIT \(juh47a02\)](#)

Additional Documents:

[EXHIBIT \(juh47aad.pdf\)](#)