

MINUTES

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: CHAIRMAN GARY L. PERRY, on January 7, 2009 at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

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 1, SB 35, SB 40, SB 45, 1/7/2009

Executive Action: None

ORGANIZATIONAL MEETING

00:00:27 Sen. Perry
00:01:34 Sen. Larsen
00:03:11 Sen. Hinkle
00:04:39 Sen. Jent
00:05:18 Sen. Murphy
00:06:21 Sen. Juneau
00:09:16 Sen. McGee
00:10:58 Sen. Shockley
00:12:00 Sen. Laslovich
00:12:36 Sen. Curtis
00:13:50 Sen. Moss
00:14:45 Sen. Esp
00:15:50 Valencia Lane, Legislative Services Division (LSD)
Staffer

EXHIBIT (jus03a01)

EXHIBIT (jus03a02)

EXHIBIT (jus03a03)

00:17:05 Pam Schindler, Committee Secretary
00:17:37 Colin Roemmich, Committee Aide
00:18:09 Sen. Perry
00:19:41 Sen. McGee
00:20:45 Sen. Laslovich
00:21:02 Sen. Perry
00:21:25 Sen. Shockley
00:22:22 Sen. Perry
00:23:47 Sen. McGee
00:31:10 Ms. Lane
00:37:17 Sen. Perry
00:45:03 Sen. Juneau
00:48:05 Sen. McGee
00:50:37 Sen. Perry

00:54:08 Break for committee members

HEARING ON SB 1

Opening Statement by Sponsor:

01:02:30 **SEN. MIKE COONEY (D), SD 40**, opened the hearing on **SB 1**,
Misdemeanor for legislative leadership to violate rules.

Proponents' Testimony:

None

Opponents' Testimony:

01:11:09 Jeff Laszloffy, self

Informational Testimony:

None

Questions from Committee Members and Responses:

01:13:13 Sen. McGee
01:13:48 Sen. Cooney
01:21:47 Sen. Shockley
01:21:58 Sen. Cooney
01:23:49 Sen. Esp
01:24:22 Sen. Cooney
01:27:47 Sen. Curtiss
01:28:31 Sen. Cooney
01:34:13 Sen. Murphy
01:34:46 Sen. Cooney

Closing by Sponsor:

01:37:00 Sen. Cooney

HEARING ON SB 40

Opening Statement by Sponsor:

01:38:26 **SEN. CAROL JUNEAU (D)**, SD 8, opened the hearing on **SB 40**, Clarify friend of respondent in involuntary commitment laws.

[EXHIBIT \(jus03a04\)](#)

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

01:42:33 Rep. Mike Menahan, HD 82, Lewis and Clark County Attorney

Questions from Committee Members and Responses:

01:53:47 Sen. Shockley
01:54:45 Deb Matteucci, State of Montana-Department of
Corrections, Behavioral Services, Public Health and
Human Services
01:57:36 Sen. McGee
02:00:21 Sen. Juneau
02:03:46 Sen. McGee
02:05:14 Randi Hood, State of Montana, Chief Public Defender
02:10:11 Sen. Curtis
02:10:36 Ms. Hood
02:11:02 Sen. Esp
02:11:28 Ms. Lane, LSD staffer
02:01:13 Sen. Esp
02:12:21 Ms. Hood

Closing by Sponsor:

02:13:34 Sen. Juneau
02:14:15 Break

HEARING ON SB 35

Opening Statement by Sponsor:

02:25:11 **SEN. LARRY JENT (D), SD 32**, opened the hearing on **SB 35**,
Committing jurisdiction forward physical and mental
health information to prison.

[EXHIBIT\(jus03a05\)](#)

Proponents' Testimony:

02:30:31 Aimee Grmoljez, Billings Clinic
02:31:18 Mike Mahoney, Montana State Prison, Warden
02:32:52 Ed Amberg, Montana State Hospital-Warm Springs, Director
02:33:35 Kathy McGowan, Montana Sheriff and Peace Officers
Association
02:36:19 Sheryl Wood, Montana Association of Counties, Associate
Director

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:37:13 Sen. Shockley
02:38:09 Mr. Mahoney
02:38:25 Sen. Esp
02:38:58 Sen. Jent
02:39:27 Sen. McGee
02:39:49 Sen. Jent
02:41:18 Sen. McGee
02:42:02 Randi Hood, State of Montana, Chief Public Defender
02:42:52 Mark Murphy, Yellowstone County, Chief Criminal Deputy
02:45:23 Sen. Laslovich
02:46:16 Sen. Jent

Closing by Sponsor:

02:46:58 Sen. Jent

HEARING ON SB 45

Opening Statement by Sponsor:

02:48:37 **SEN. DAN MCGEE (R), SD 29**, opened the hearing on **SB 45**,
Clarify prosecutorial disclosure requirements.

Proponents' Testimony:

02:50:02 Randi Hood, State of Montana, Chief Public Defender

Opponents' Testimony:

02:53:53 Jim Smith, Montana County Attorneys Association
02:56:24 Mark Murphy, Yellowstone County, Chief Criminal Deputy
[EXHIBIT\(jus03a06\)](#)

Informational Testimony:

03:04:46 Sheryl Wood, Montana Association of Counties, Associate
Director

Questions from Committee Members and Responses:

03:06:03 Sen. Shockley
03:07:13 Mr. Murphy
03:10:20 Sen. Shockley

03:10:28 Ms. Hood
03:13:14 Sen. Jent
03:14:50 Sen. McGee
03:16:25 Sen. Laslovich
03:16:41 Mr. Smith
03:19:04 Sen. Laslovich
03:20:12 Ms. Hood
03:23:33 Harry Freeborn, State of Montana, Public Defender
Office, Budget Office Director
03:27:04 Sen. Esp
03:27:41 Ms. Hood
03:28:44 Sen. Shockley
03:29:06 Ms. Hood
03:30:02 Sen. Shockley
03:30:14 Mr. Murphy
03:34:58 Sen. Perry
03:35:30 Sen. McGee
03:37:03 Sen. Perry
03:37:49 Ms. Hood

Closing by Sponsor:

03:40:46 Sen. McGee
03:46:49 Sen. Perry

ADJOURNMENT

Adjournment: 11:50 A.M.

PAM SCHINDLER, Secretary

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Additional Exhibits:

EXHIBIT ([jus03aad.pdf](#))