

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 21, 2011 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Larry Jent (D)

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 304, 2/14/2011; SB 368, 2/14/2011

Executive Action: SB 304-Do Pass, SB 368-Tabled, SB 336-Do Pass

HEARING ON SB 368

Opening Statement by Sponsor:

00:01:15 Sen. Christine Kaufmann (D), SD 41, opened the hearing on SB 368, Revise parole eligibility.

Proponents' Testimony:

None

Opponents' Testimony:

00:05:08 Mark Murphy, Montana County Attorneys Association (MCAA)

Informational Testimony:

00:07:26 Craig Thomas, Executive Director, Board of Pardons and Parole (BOPP), State of Montana

00:08:10 Mike Ferriter, Director, Department of Corrections (DOC), State of Montana

Questions from Committee Members and Responses:

00:12:15 Sen. Hinkle

00:13:01 Sen. Kaufmann

00:15:24 Sen. Hinkle

00:15:39 Mr. Ferriter

00:17:23 Sen. Blewett

00:17:54 Mr. Murphy

Closing by Sponsor:

00:19:54 Sen. Kaufmann

HEARING ON SB 304

Opening Statement by Sponsor:

00:23:00 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 304, Generally revise dependency and neglect laws.

Proponents' Testimony:

00:26:23 Corbit Harrington, Senior Deputy Prosecuting County Attorney, Yellowstone County

00:34:59 Larry Epstein, MCCA

00:35:19 Hank Hudson, Department of Public Health and Human Services (DPHHS)

Opponents' Testimony:

None

Informational Testimony:

00:36:25 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence
(MCDASV)

Questions from Committee Members and Responses:

00:39:56 Sen. Augare
00:40:22 Sen. Shockley
00:42:57 Sen. Moss
00:43:36 Sen. Shockley

Closing by Sponsor:

00:44:08 Sen. Shockley

EXECUTIVE ACTION ON SB 368

00:46:51 **Motion:** Sen. Blewett moved that **SB 368 DO PASS.**

Discussion:

00:47:02 Sen. Hinkle
00:47:13 Valencia Lane, Legislative Services Division (LSD)
00:48:03 Sen. Blewett
00:49:10 Sen. Essmann
00:50:02 Ms. Lane
00:50:26 Sen. Hinkle
00:51:42 Ms. Lane
00:51:58 Sen. Moss
00:52:16 Sen. Murphy

00:53:09 **Vote:** Motion failed 5-7 by roll call vote with Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss and Sen. Murphy voting aye. Sen. Jent voted by proxy.

00:53:16 **Motion/Vote:** Chairman Murphy moved that **SB 368 BE TABLED AND THE VOTE REVERSED** without objection, motion carried.

EXECUTIVE ACTION ON SB 304

00:53:24 **Motion:** Sen. Shockley moved that **SB 304 DO PASS.**

Discussion:

00:53:34 Sen. Augare
00:54:30 Sen. Essmann
00:55:23 Sen. Augare
00:55:57 Sen. Shockley
00:56:32 Sen. Peterson
00:57:05 Sen. Augare

00:57:43 **Vote:** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 336

00:58:14 **Motion:** Sen. Larsen moved to **RECONSIDER THE MOTION** on **SB 336.**
(Previous Executive Action done 2/17/11, 6-6 Tie)

Discussion:

00:58:16 Sen. Blewett
00:58:42 Sen. Larsen

00:59:50 **Vote:** Motion carried 7-5 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Peterson and Sen. Shockley voting no. Sen. Jent voted by proxy.

01:00:12 **Motion:** Sen. Larsen moved that **SB 336 DO PASS.**

Discussion:

01:00:36 Sen. Shockley

01:01:22 **Vote:** Motion carried 7-5 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Peterson and Sen. Shockley voting no. Sen. Jent voted by proxy.

01:01:39 Chairman Murphy

ADJOURNMENT

Adjournment: 9:02 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus42aad.pdf](#))