

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 11, 2011 at 9:00 AM, in Room 405
Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)

Members Excused: None

Members Absent: Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

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 50, 1/6/2011; SB 57, 1/6/2011; SB 58, 1/6/2011; SB 67,
1/6/2011

Executive Action: SB 50-Do Pass-Withdrawn Motion, SB 57-Do Pass

HEARING ON SB 50

Opening Statement by Sponsor:

00:06:31 Sen. Steven Gallus (D), SD 37, opened the hearing on SB 50, Eliminate jail time for certain misdemeanor offenses.

Proponents' Testimony:

00:01:56 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)
00:05:55 Sherry Stadler, Regional Defender, Office of Public Defender

Opponents' Testimony:

00:07:38 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:12:40 Sen. Blewett
00:13:15 Sen. Gallus
00:13:36 Mr. Murphy
00:16:34 Sen. Larsen
00:16:46 Mr. Murphy
00:19:18 Sen. Jent
00:20:16 Mr. Murphy
00:23:25 Sen. Blewett
00:23:47 Mr. Murphy
00:26:50 Sen. Hinkle
00:28:10 Mr. Murphy
00:28:57 Sen. Shockley
00:29:10 Mr. Murphy
00:30:48 Sen. Shockley
00:31:34 Larry Epstein, MCAA, MCPA, MPPA

Closing by Sponsor:

00:32:19 Sen. Gallus

HEARING ON SB 57**Opening Statement by Sponsor:**

00:34:05 Sen. Gene Vuckovich (D), SD 43, opened the hearing on SB 57, Enhance penalty for consumer protection violations.

Proponents' Testimony:

00:39:55 _____ Russ Whitcomb, Helena Police Department

00:41:00 Kelly Hubbard, Assistant Attorney General, Consumer Protection Division, Department of Justice (DOJ)

EXHIBIT(jus08a01)

00:44:49 Rev. Gary Reller, Catholic Priest, Diocese of Helena

00:50:50 Joy Bruck, State President, American Association of Retired Persons/Montana (AARP/MT)

EXHIBIT(jus08a02)

00:52:00 Flint Murfitt, Montana Legal Services, Consumer Protection Division

Opponents' Testimony:

00:53:21 Bruce Spencer, Montana Automobile Dealers Association (MADA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:57:54 Sen. Larsen

00:58:32 Ms. Hubbard

01:00:00 Sen. Hinkle

01:00:53 Ms. Hubbard

01:02:00 Sen. Moss

01:02:41 Ms. Hubbard

01:04:53 Sen. Murphy

01:05:31 Ali Bovingdon, Assistant Attorney General, DOJ

01:06:53 Sen. Shockley

01:07:08 Ms. Bovingdon

01:07:23 Sen. Augare

01:07:43 Ms. Hubbard

01:08:06 Sen. Blewett

01:08:26 Mr. Spencer, MADA

01:09:59 Sen. Blewett

01:10:05 Sen. Shockley

Closing by Sponsor:

01:10:14 Sen. Vuckovich

HEARING ON SB 58

Opening Statement by Sponsor:

01:11:12 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 58, Lengthen time DNA evidence must be preserved in certain cases.

Proponents' Testimony:

01:13:44 Jessie McQuillan, Montana Innocence Project

EXHIBIT(jus08a03)

01:20:03 Ron Waterman, Attorney

01:23:32 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

01:25:51 Sen. Larry Jent

01:27:49 Nikki Zupanic, American Civil Liberties Union (ACLU)

Opponents' Testimony:

01:29:06 Sheryl Wood, Assistant Director, Montana Association of Counties (MACo)

Informational Testimony:

01:43:52 Mark Murphy, Montana County Attorneys Association (MCAO), Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

01:49:47 Ali Bovingdon, Assistant Attorney General, DOJ, also for Montana Crime Lab

Questions from Committee Members and Responses:

01:51:50 Sen. Shockley

01:54:07 Ms. Wood

Closing by Sponsor:

01:55:24 Sen. Moss

HEARING ON SB 67

Opening Statement by Sponsor:

01:56:59 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 67, Temporarily suspend juvenile delinquency intervention program annual evaluation.

Proponents' Testimony:

01:58:52 Lois Menzies, Court Administrator, Montana Supreme Court

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

02:00:24 Sen. Shockley

(Committee in Recess)

02:12:30 Sen. Shockley

02:13:27 Sen. Augare

02:14:45 Sen. Shockley

02:16:45 Sen. Moss

02:17:12 Sen. Shockley

EXECUTIVE ACTION ON SB 50

(Sen Hutton, Sen. Peterson and Sen. Vincent absent from room)

02:18:11 **Motion:** Sen. Moss moved that **SB 50 DO PASS.**

02:18:16 **Motion:** Sen. Blewett moved that **SB 50 BE AMENDED WITH A CONCEPTUAL AMENDMENT REMOVING SECTIONS 9 AND 10 PAGE 8, LINE 24 THROUGH PAGE 10, LINE 24.**

DISCUSSION:

02:20:25 Sen. Shockley

02:20:44 Sen. Jent

02:22:48 Sen. Shockley

02:23:49 **Vote:** Motion failed 5-6 by roll call vote with Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss and Sen. Shockley voting aye. Sen. Hutton, Sen. Peterson and Sen. Vincent voted by proxy.

Discussion:

02:25:18 Sen. Augare

02:26:06 Sen. Blewett

02:26:52 Sen. Shockley

02:28:25 Sen. Jent

02:29:31 Sen. Larsen

02:30:18 Sen. Moss

02:30:59 Sen. Hinkle

02:31:36 Sen. Murphy

02:32:04 Chairman Shockley deferred further action on **SB 50**.

02:32:28 Sen. Moss withdrew motion that **SB DO PASS**.

EXECUTIVE ACTION ON SB 57

02:32:43 **Motion:** Sen. Moss moved that **SB 57 DO PASS**.

Discussion:

02:32:55 Sen. Larsen

02:33:41 Sen. Murphy

02:34:05 Sen. Jent

02:35:32 Sen. Shockley

02:36:19 **Vote:** Motion carried unanimously by voice vote. Sen. Hutton, Sen. Peterson and Sen. Vincent voted by proxy.

Committee Discussion:

02:37:20 Sen. Shockley

02:37:55 Sen. Moss

02:38:15 Sen. Shockley

02:38:25 Sen. Moss

ADJOURNMENT

Adjournment: 9:45AM

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus08aad.pdf](#))