

**BUSINESS REPORT**  
**MONTANA SENATE**  
**63rd LEGISLATURE - REGULAR SESSION**

**SENATE JUDICIARY COMMITTEE**

**Date:** Monday, January 28, 2013  
**Place:** Capitol

**Time:** 9:00 AM  
**Room:** 303

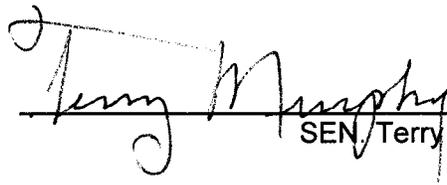
**BILLS and RESOLUTIONS HEARD:**

HB 92 - Remove public defender from certain court definitions - Amanda Curtis

**EXECUTIVE ACTION TAKEN:**

HB 92-Be Concurred In  
SB 145-Do Pass  
SJ 3- Do Pass  
SB 152-Tabled

**Comments:**

  
\_\_\_\_\_  
SEN Terry Murphy, Chair

# MONTANA STATE SENATE

## 2013 JUDICIARY COMMITTEE

# ROLL CALL

DATE: 1/23/13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN, SENATOR TERRY MURPHY		
VICE CHAIRMAN, SENATOR SCOTT SALES		
SENATOR SHANNON AUGARE		
SENATOR ANDERS BLEWETT		
SENATOR SCOTT BOULANGER		
SENATOR JOHN BRENDEN		
SENATOR ROBYN DRISCOLL		
SENATOR JENNIFER FIELDER		
SENATOR LARRY JENT		
SENATOR CLIFF LARSEN		
SENATOR CHAS VINCENT		
SENATOR ART WITTICH		



**SENATE STANDING COMMITTEE REPORT**

**January 28, 2013**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 92** (third reading copy -- blue) be **concurring in**.

Signed:

  
\_\_\_\_\_  
*Senator Terry Murphy, Chair*

To be carried by Senator Robyn Driscoll

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required

HB0092001SC12924.swr

*DR*



**SENATE STANDING COMMITTEE REPORT**

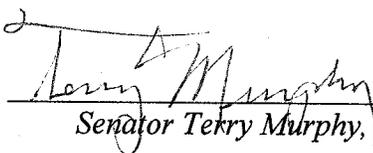
**January 28, 2013**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 145** (first reading copy -- white) **do pass.**

Signed:

  
*Senator Terry Murphy, Chair*

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required

SB0145001SC.swr

DR

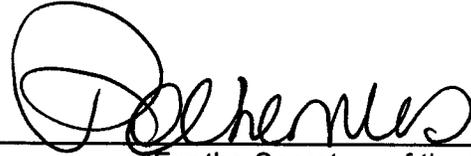
## BILL TABLED NOTICE

### SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED  
**SB 152 - Constitutional amendment revising qualifications for Supreme Court justices -  
Fred Thomas**  
, by motion, on **Monday, January 28, 2013.**



\_\_\_\_\_  
(For the Committee)



\_\_\_\_\_  
(For the Secretary of the Senate)

1:25, 1/28

(Time) (Date)

January 28, 2013 (1:17pm)

Pam Schindler, Secretary

Phone: 406-444-4891  
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**SENATE STANDING COMMITTEE REPORT**

**January 28, 2013**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Joint Resolution 3** (first reading copy -- white) **do pass**.

Signed:   
*Senator Terry Murphy, Chair*

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required

SJ0003001SC.swr

DR

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2013 JUDICIARY COMMITTEE

DATE 1/28/13 BILL NO. H892 MOTION NO. 1

MOTION: Be Concurred In

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	/		
SENATOR JOHN BRENDEN	/		/
SENATOR JENNIFER FIELDER	/		
SENATOR CHAS VINCENT	/		/
SENATOR SCOTT BOULANGER	/		
SENATOR ART WITTICH	/		/
SENATOR SHANNON AUGARE	/		
SENATOR ANDERS BLEWETT	/		
SENATOR ROBYN DRISCOLL	/		/
SENATOR LARRY JENT	/		/
SENATOR CLIFF LARSEN	/		
CHAIRMAN, SENATOR TERRY MURPHY	/		

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2013 JUDICIARY COMMITTEE

DATE 1/28/13 BILL NO SB145 MOTION NO. 1

MOTION: Dotens

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES			
SENATOR JOHN BRENDEN			
SENATOR JENNIFER FIELDER			
SENATOR CHAS VINCENT			
SENATOR SCOTT BOULANGER			
SENATOR ART WITTICH			
SENATOR SHANNON AUGARE			
SENATOR ANDERS BLEWETT			
SENATOR ROBYN DRISCOLL			
SENATOR LARRY JENT			
SENATOR CLIFF LARSEN			
CHAIRMAN, SENATOR TERRY MURPHY			

7/5

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2013 JUDICIARY COMMITTEE

DATE 1/28/13 BILL NO SB152 MOTION NO. 1

MOTION: Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	—		
SENATOR JOHN BRENDEN	—		—
SENATOR JENNIFER FIELDER		—	
SENATOR CHAS VINCENT	—		—
SENATOR SCOTT BOULANGER	—		
SENATOR ART WITTICH	—		—
SENATOR SHANNON AUGARE		—	
SENATOR ANDERS BLEWETT		—	
SENATOR ROBYN DRISCOLL		—	—
SENATOR LARRY JENT		—	—
SENATOR CLIFF LARSEN		—	
CHAIRMAN, SENATOR TERRY MURPHY		—	

5/7

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2013 JUDICIARY COMMITTEE

DATE 1/28/13 BILL NO SB152 MOTION NO. 2

MOTION: Re: Table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES			
SENATOR JOHN BRENDEN			
SENATOR JENNIFER FIELDER			
SENATOR CHAS VINCENT			
SENATOR SCOTT BOULANGER			
SENATOR ART WITTICH			
SENATOR SHANNON AUGARE			
SENATOR ANDERS BLEWETT			
SENATOR ROBYN DRISCOLL			
SENATOR LARRY JENT			
SENATOR CLIFF LARSEN			
CHAIRMAN, SENATOR TERRY MURPHY			

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2013 JUDICIARY COMMITTEE

DATE 1/28/13 BILL NO 553 MOTION NO. 1

MOTION:

DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES			
SENATOR JOHN BRENDEN			
SENATOR JENNIFER FIELDER			
SENATOR CHAS VINCENT			
SENATOR SCOTT BOULANGER			
SENATOR ART WITTICH			
SENATOR SHANNON AUGARE			
SENATOR ANDERS BLEWETT			
SENATOR ROBYN DRISCOLL			
SENATOR LARRY JENT			
SENATOR CLIFF LARSEN			
CHAIRMAN, SENATOR TERRY MURPHY			

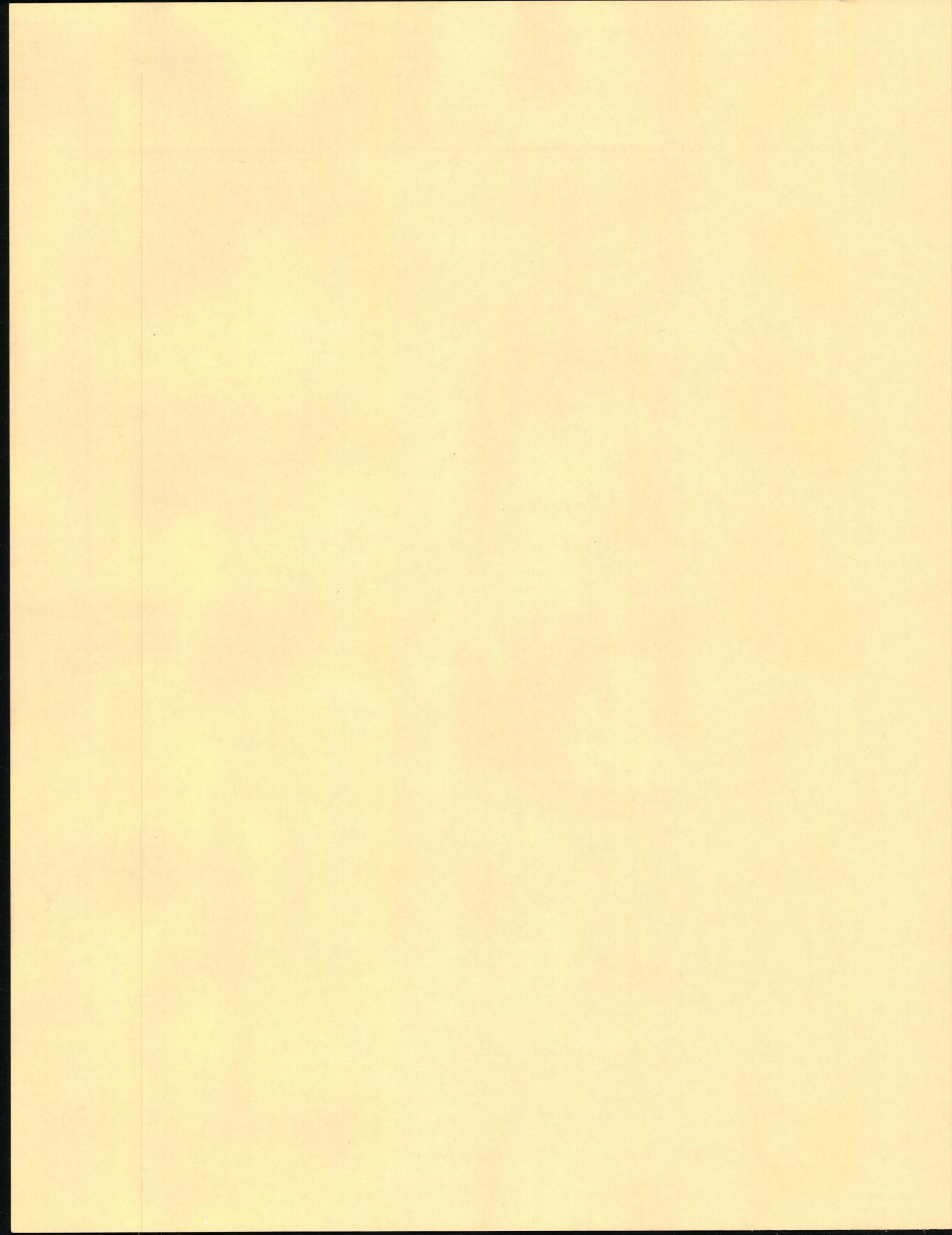


1875

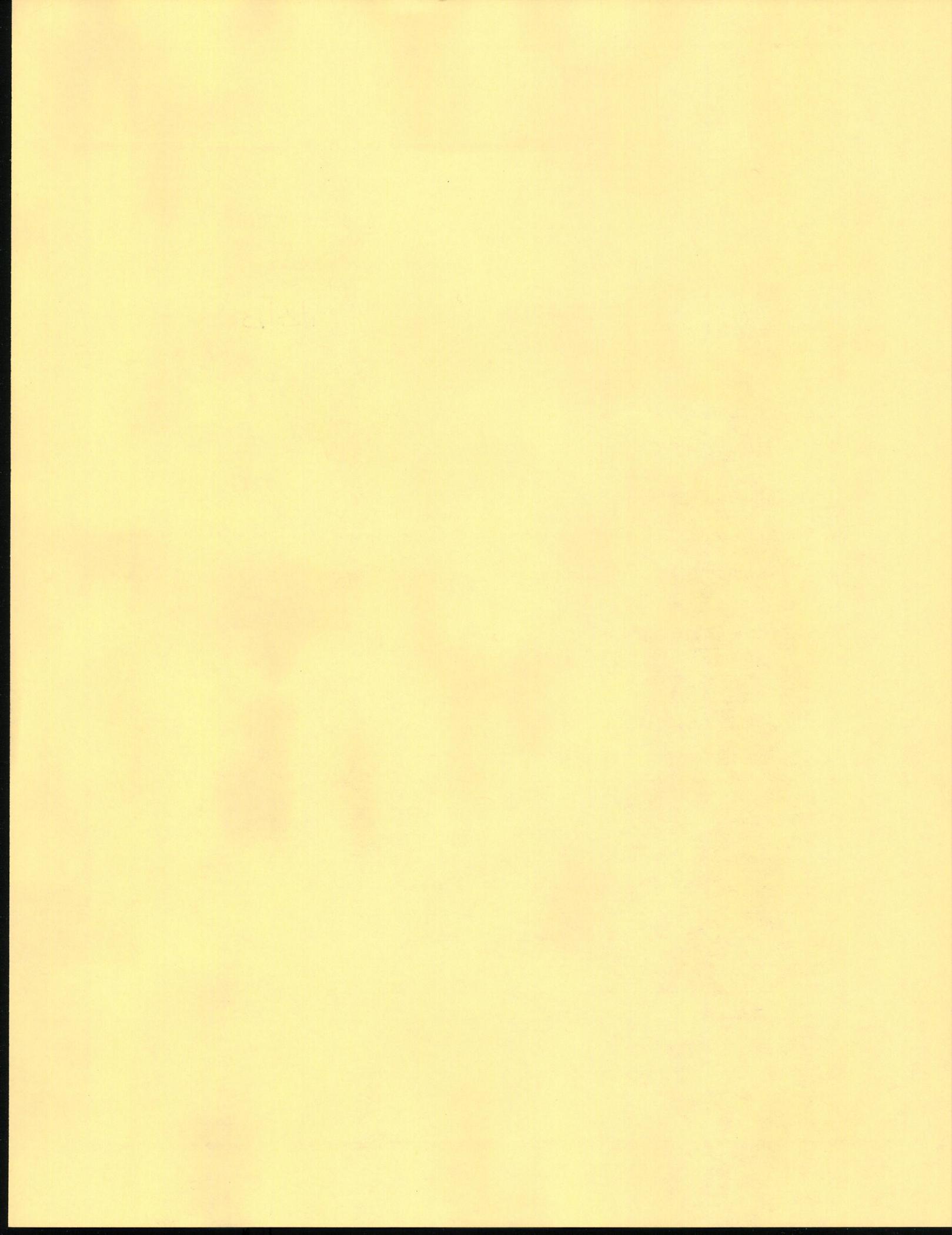
1875



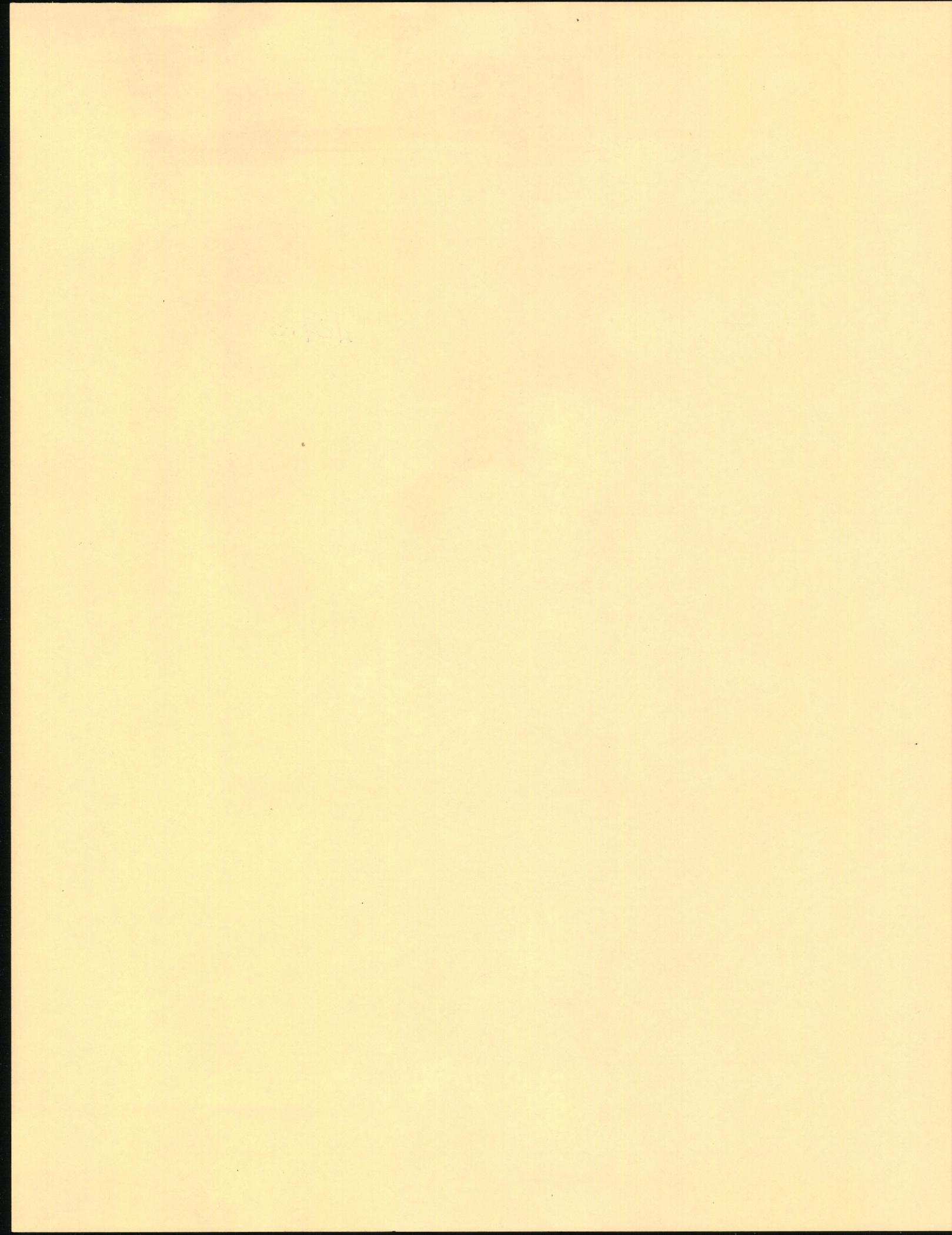














January 23, 2013

To: Senator Terry Murphy,  
Members of the Senate Judiciary Committee  
Senator Eric Moore.

From: Jim Smith, Montana Sheriffs and Peace Officers Association.

RE: SB 145.

Senator Murphy and Members,  
I fear I gave the Committee inaccurate information this morning in the SB 145 hearing in response to a question from Senator Fielder. She asked me if a Sheriff can revoke a concealed weapon permit? I replied by saying 'yes.' That may not be correct. I offer my apology to the Committee and Senator Moore.

I have heard sheriffs say that they have revoked concealed weapon permits at various times and places over the years; at meeting, or in informal conversations. That was the basis of my reply to Senator Fielder.

Later in the morning, after the hearing on SB 145, I saw Dawson County Sheriff Craig Anderson in the capitol and he related the following to me:

He revoked a permit, due to his belief that the mental condition of the person had deteriorated considerably. The person appealed the sheriff's decision to the District Judge over there. The judge found no section in law (MCA) giving the sheriff the power to revoke the permit. The judge apparently held that a permit must be approved or denied at the time of application, and there is no power to revoke a permit once it has been issued.

Sheriff Anderson and I looked through the relevant statutes in the MCA and indeed, there is no specific grant of authority to revoke a permit.

Sheriff Anderson is going to send me the judge's order when he gets back to Glendive and I will get that to the Committee as soon as I can.

Meanwhile, Rep. Wilmer has LC 1398: make concealed weapon permit valid until revoked. It is on hold.

I'll discuss the LC with Rep. Wilmer and see if she is interested in using it to give sheriffs the power to revoke a concealed weapon permit.

I am sorry for my mistake this morning. I'll do my best to do better in future hearings. Thanks in advance for your acceptance of this humble lobbyists' apology.



443-1570  
443-0606  
949-1082.

January 8, 2013

**MSPOA CCW Survey  
For the Law & Justice Interim Committee  
February, 2011**

Jim,

For quite some time, Hill County has not placed social security numbers on CWP's. While statute requires they supply it on the application, there is no requirement that it must be listed on the permit.

I have never had anyone that had an issue with supplying his or her SSN for the application, however some have requested it not be placed on the permit, which of course is a mute point for us, as we don't list it.

In my opinion, the SSN requirement should stay in statute, due to the mandated background check and no change to the statute is needed, unless they want to raise permit fees!

Don Brostrom

Hill County Sheriff/Coroner

1452 2nd Street West - P.O. Box 176

Havre, MT 59501-0176

(406) 265-2512 #2107 (ofc)

(406) 265-0046 (cell)

(406) 262-9548 (fax)

Jim,

I went over this with our gal that does the CCW in our office. In regards to the numbered questions you asked here are the answers from my office.

1. Not used on current permits.
2. Used only for background checks.
3. A permit number is used.
4. Very few.
5. No. The SSN is used for the background check only.

Hope this info helps you out.

Tom Rummel

Sanders County Sheriff.

Jim,

Good Afternoon.

Broadwater County does not include the Social Security number on the CCW Permit. The application for the permit does require the Social Security number, but we do not use it on the permit. The use of the Social Security number on the application is for identification purposes only. When the applicant in question has the same name or date of birth as others that come in to question when ran through NCIC, we can eliminate them. We have not had any problems from applicants providing social security numbers. Hope this helps.

Sincerely,

*Sheriff Brenda K. Ludwig*

519 Broadway

Townsend, MT 59644

(406)266-3441-work

(406)266-3762-fax

[bludwig@co.broadwater.mt.us](mailto:bludwig@co.broadwater.mt.us)

Jim,

Below are what we do with our ccw's in Jefferson County.

1. What is your practice today with regard to using social security numbers on CCW permits?  
We do not put them on the permits.
2. Do you get the social security number on the CCW application and use it on the CCW permit?  
We get it on the application but do not use it on the permit.
3. Do you get the social security number on the CCW application and NOT use it on the CCW permit? Do you use another, substitute number as the applicant's identifier?  
See above -- the other id on the permit is DOB and DL #.
4. How is the CCW application being viewed by citizens applying in your county? Any problems with the request for the social security number recently?  
We have not had any issues except most are very happy that we are not putting it on the permit itself. Have not had issues with it being on the app.
5. Do you think a bill to get the social security number off the CCW application and out of the MCA is necessary?  
Unknown, does not seem to be an issue here and not needed except to run the background checks thoroughly.

Sheriff Craig Doolittle  
Jefferson County  
P.O. Box 588  
110 S. Washington  
Boulder, Mt 59632  
406-225-4075  
Fax 225-4145  
[cdoolittle@jeffco.mt.gov](mailto:cdoolittle@jeffco.mt.gov)

We use the SSN for the security background checks but do not place it on the CCW permit; their driver's license or ID number is used. It was an issue awhile back, but hasn't been since we changed this POLICY.

Keep up the great work Jim!

Blue Corneliusen, Detective  
Cascade County SO

Mark  
Survey answer  
1---Do require on application  
2---Do not show on permit  
3---Use D.L number  
4---Have had no concerns  
5---I think it is important to have a SS No. as a tool for  
checking history.  
Steve Immenschuh, Sheriff  
Granite County

Jim,

We have removed the SSN from the actual permit. SSN is included on the application form, but not put on the actual permit. We use the NICS # as the permit number, and put the NICS# and the permit holder's Date of Birth & Montana OLN or ID Card # on the permit. One applicant omitted the SSN after

incorrectly reading a local policy we used to have where an applicant had to request their SSN not be put on their permit. That policy has changed. I would hate to deny a person a CWP just because their name & date of birth matched a potential felon when their SSN could be used to clarify the difference.

**Patrick E Ulrickson**

Sheridan County Sheriff

100 West Laurel Avenue

Plentywood, MT 59254

Voice (406) 765-1200 ext. 336

Fax (406) 765-3552

[pulrickson@co.sheridan.mt.us](mailto:pulrickson@co.sheridan.mt.us)

Jim

Good morning to you.

We do get the social number on the application and put it on the permit when issued. The only other number we use is the NICS number when it is assigned by CJIN when computer check is done on the person.

At this time we have not had anyone complain about giving their social security number, guess if they want the permit then they will provide the requested information.

Should the number be removed from the application, my opinion yes, this number has been abused by a lot of people for whatever reason and if we can prevent it coming from us then it is a good idea.

How about trying to get the fee charged for the permit raised?

That is all I can think of at this time.

Glenn

Good morning Jim:

1. As of now we do not have a place on the CCW card to put the SSN.
2. Our application has a place for it. If the application is not filled out properly a permit is denied.
3. We receive a number from NICS when a person is run and that's what is put on their CCW card.
4. We have not had any problems so far if we do, their application will be denied. You have to finger print them anyway and you need the SSN on the finger print card that is sent into the FBI for the back ground check.
5. I believe that with the amount of identity theft that is going on. I don't think it's wise to put the SSN on the cards in case they are lost or stolen. Possibly the driver's license number could be used instead. Have a good day.

Yours truly Sheriff Weitzel Musselshell County.

Jim,

Here are my answers to your questions...

Sheriff Randy Allies

Rosebud County Sheriff

-----Original Message----- From: Jim Smith

Sent: Tuesday, March 06, 2012 2:45 PM

To: Undisclosed-recipients:  
Subject: Concealed Weapon Permits

Good Afternoon Sheriffs.....

The Law & Justice Interim Committee (LJIC) met at the end of February. Among their many topics was a panel discussion on concealed weapons in general; and in particular on the role of the concealed weapon advisory council, and the status of CCW reciprocity agreements between Montana other states.

MSPOA wrote to Governor Schweitzer in 2010 and asked him to reconvene the advisory council. Among other thing, it was noted that the CCW application is contained in the MCA; and that the application asks for applicants to provide their social security numbers. This requirement was a bone of contention for some sheriffs back in 2010. The application can only be changed by changing the statutes (MCA). The LJIC requested that a bill be drafted for introduction in the 2013 Session to do just that: to remove the social security number from the CCW application.

During the discussion Ravalli County Sheriff Chris Hoffman told me privately that most sheriffs do not show or place the applicant's social security number of the CCW permit.

I need a little feedback from you all prior to the LJIC's next meeting in April so that MSPOA can comment on the bill draft that will be presented then:

1. What is your practice today with regard to using social security numbers on CCW permits?  
We do not use them...
2. Do you get the social security number on the CCW application and use it on the CCW permit?  
No
3. Do you get the social security number on the CCW application and NOT use it on the CCW permit? Yes. Do you use another, substitute number as the applicant's identifier? DL Number
4. How is the CCW application being viewed by citizens applying in your county? Good. Any problems with the request for the social security number recently? No
5. Do you think a bill to get the social security number off the CCW application and out of the MCA is necessary? No

I think whole process should be a lot tougher and uniformed across the state. They should have to take a mandatory gun safety class before applying for the CCW.....

Any other comments or information or light you can shed on this issue will be most appreciated.  
Thanks in advance.....

Jim Smith

Sir,

- (1) The standard CCW application I use ask for ones social security number
- (2) If one "wants" to submit there social security it is there decision
- (3) If on application I don't use it on the permit

- (4) With the recent events in eastern Mt. I have see a dramatic increase in requests. As I said I leave it up to the individual to divulge there social security number
- (5) NO I DON'T If one wants to divulge there social security number voluntarily so be it if they

don't so be it !!  
Skip Baldry  
Daniels County Sheriff/Coroner  
Hope this helps Jim.

-----Original Message-----

From: Schumacher, Sharon  
Sent: Wednesday, March 07, 2012 10:03 AM  
To: Gootkin, Brian  
Subject: RE: Concealed Weapon Permits

Hey Brian:

1. We have not put SSN's on permits for close to 3 yrs.
2. No.
3. Yes and we use the OLN as the applicant's identifier number.
4. We have had no problems with the public on the application process and never a complaint about the SSN.
5. I met with Janet Gies and it runs more smoothly on the background process to have the SSN available.

Hello Jim,

Here in Teton County we do have the SSN on the application and it is also put on the card. To date, we have had no problem with this. My thought is that it needs to be on the application but does not necessarily need to be on the permit itself.

I'm guessing that if the SSN is an issue for some people, they are probably using the permit as a secondary form of identification and are showing it when they should probably be using something else. Just my thoughts.

Keith VanSetten

---

Jim. The Sweet Grass County Sheriff Office does request the Social Security number on the application for the purpose of running a criminal history. The Social Security number is not used on the CCW permit and the drivers license number is placed on the permit. WE have not had any complaints on the process we are using at this time. As far as a bill its always my fear when we open up an area for a review you may get more then you set out to get. The application, with the SSN, for the CCW permit is kept in the confidential applicants file. Dan Tronrud Sweet Grass County Sheriff

Jim, we use the ssn on the app. for criminal history checks. I believe that it is necessary for that purpose. I do not use the ssn on the permit nor do I support using it on the card. Thanks for all your help. Cliff Brophy, Stillwater Co. Sheriff

To meet the requirement for a criminal history background request we will get better results with both the Driver's License and SSN. But I do not see any reason it should be required on the permit itself. I have had a couple folks not want to put it on the form and I have allowed them to just put the driver's license. I do not change the form to request anything different than what is in the MCA, however I do allow for issuance of the permit with just the drivers license if request by the applicant. The presence of the SSN should not be a required item but I do not think it should be removed simply because it does provide for a better background search. I also include it on my permits more for the applicant than for anything else.

This permit can be used as a legal ID and can help the applicant to show proof of residence SSN and DL info. In short we need to make this permit easy to get for all citizens of our communities who are eligible. In doing so we need to keep the requirements for eligibility at a level where our

permits are not only recognized by most other states but that our permit holders are the type of people who we all can feel can be trusted to be a law abiding member of our communities.

Never Weaken Even When You Are Overwhelmed With Fear.

"Yeah though I walk through the valley of the shadow of death, I shall fear no evil"

Sheriff Bill Cassell

Petroleum Co Sheriff's Office

PO Box 226

Winnett MT 59087

406-429-6551

From Perry Johnson & Chris Hoffman at Ravalli County SO.

1. What is your practice today with regard to using social security numbers on CCW permits?

A) SSN are requested on our application, as extra identifiers' for doing background checks.

2. Do you get the social security number on the CCW application and use it on the CCW permit?

A) We do not put the SSN on the permit.

3. Do you get the social security number on the CCW application and NOT use it on the CCW permit? Do you use another, substitute number as the applicant's identifier?

A) Yes we get the SSN# and do not use it on the Permit. We use a NIC# issued by the State and a Permit # issued by us.

4. How is the CCW application being viewed by citizens applying in your county? Any problems with the request for the social security number recently?

A) The citizens' see the request for their SSN on their application. Not very often is the request left blank.

5. Do you think a bill to get the social security number off the CCW application and out of the MCA is necessary?

A) Yes. I think the SSN is necessary when doing background checks. DOB are not specific enough to the applicant, where the SSN is Unique.

Any other comments or information or light you can shed on this issue will be most appreciated. Thanks in advance.....

Hi Jim,

In response to your questions, Park County does require that the social security number (ss#) be provided on the initial application. We do provide the social security number on the form that is sent to the state Department of Justice (DOJ), but we do NOT put the number on the actual CCW card that the applicant carries in their wallet.

In my seven year tenure, I have not had a citizen complain about providing us with their ss#. In support of retaining the ss# requirement, I have found

it extremely helpful and vital to cross reference an individual's ss# with a date of birth (DOB)

when more than one individual with the same name (often

common names such as Joe Smith) appears when a background check is run. This ensures I have the correct applicant and applicant information.

At this juncture, I am not sure if we need a bill to remove the applicant's ss#. My question is "are

other counties having problems" and if they are "what kind of problems are they having"? Are we talking about identity theft, selling of social security numbers or citizen complaints?

Something that I would like to see implemented in the near future is "file transfer protocol." This is where concealed weapon permits would be transferred automatically from each county to the state. In other words, each county would be able to download their permits and send them directly to the Department of Justice. I was fortunate enough to use this type of process at a Human Resources Company in Denver, Colorado, and it really worked well. Basically, you input and electronically send the information that is needed by the vendor depending on their requirements/needs (i.e. once a week, once a month or two times a month). Of course, the site would have to be well secured, but it would enable the employee to be more efficient and reduce errors, duplication of paperwork, envelopes and postage. This may seem somewhat challenging, but I am hoping that this will be explored. I hope this helps. If I can be of further assistance please do not hesitate to contact me.

Many thanks,  
Colleen Singer  
Civil Clerk  
Park County Sheriff's Office

Jim,  
Detention administrator has this to say about CWP's. Hope it helps.  
Sheriff Schenk

-----Original Message-----

From: Hill, Carmin  
Sent: Thursday, March 08, 2012 4:23 PM  
To: Schenk, David  
Subject: RE: Concealed Weapon Permits

Sheriff- here is a reply, if you want to forward it on.

We stopped the practice of using individuals social security numbers on the CCW permits themselves roughly six years ago. We do currently request the SSSN number on the application however the identifiers we use on the permit it's self are name, dob, hgt, wgt, hair, eyes, address and of course the NTN# coming from CJIN. The NTN# is the main identifier number. Madison County hasn't had any recent complaints about the CCW application requesting a Social Security number.

Jim,

I do the CWP's for Toole County, I stopped putting the SOC# on the permit about 3 years ago. Our records vender (Sleuth Software) has a spot for it when we enter the data and print out the permit but i just leave it blank.

I have had no complaints about putting it on the application. the reason I did stop using it was because of a e-mail from the AG because someone had pitched a fit in some other county and the AG suggested asking for the citizens preference. I did this for about a month and then in one week issued a couple of permits and the holder said they wanted the SOC on the permit. then a week later they returned and asked if they could have it removed after thinking it over for a bit. I removed it and that was the last two that it ever went on permits. I dont even ask anymore.

I do like it on the application however. with common names it helps with the background check. I have no idea what other counties do as I had to self teach myself the entire process when i got promoted as the fellow before me was not available to instruct me and to be honest I think it was

kind of a joke on how he did it.

I take the issue of these permits very seriously. I have no idea how others do this but this is my process.

1. the applicant fills out a application and provides proof of training.
2. I review our local records on the subject to make sure they are not a trouble maker (mental health issues or violence issues in past)
3. I contact the three references and ask the following questions:
  1. how long have you known and how often do you see them, are you a relative or former or present employer or employee.
  2. do you know them to have a PEACEFULL NATURE or have you ever known them to go into rages and act violently at improper times.
  3. have you ever known them to have any MENTAL HEALTH ISSUES or take medication for things like mental health issues.
  4. do you have any concerns that if issued this permit they will use the ability to carry concealed to harass, threaten or any other type of unlawfull purpose
  5. do you know if they are physicaly and mentaly sound enough to handle a firearm safely where by issuing this permit it would not place them of the public in danger. (i had one fellow very old who had a stroke and hands did not work that applied and this question sniffed that out)
  6. if you were in charge of making sure that only safe, honest, good citizens that intended no harm to other lawfull citizens had this permit, would you feel comfortable issuing it and signing your name as the issuer to this person.

if they answer all these questions to my satisfaction i then move on to the computer background check and if they are issued a NIC# with no FBI or SID number I call them in, verify there ID and fingerprint them and then issue the permit. (if ID in doubt i send in prints for search)

our permits have a little blurb at the bottom that gives MCA codes that involve CWP's in MT and I explain how to go on line and exactly how to look up and learn about reciprocity and prohibited places and such. I also explain about renewing there permit.

Thats our procedure in a nut shell. the SOC is a non-issue to me I think there is another issue we need to look at closer.

I have had several occasions where folks are fast and loose with the residency issue. I just had one last week. I called the AG's office and they advised me to issue the permit and try to "monitor it". difficult at best i think.

so someone turned in an application, as they moved out of state. I approved the permit after investigation but found they had moved as the wife had gotten a new job. there local house is rented out. it is very clear to me this dude has no intention of returning but now has a permit from our county in another state, unless i can PROVE he is no longer a resident i cant revoke the permit. how do I prove this. the section of MCA that coveres residency talks about filing income taxes and living in the state 180 days a year. I have no way to tell this. its just a bad deal.

i had another fellow move to town from Florida for 6 months just to become a resident and get a CWP. He actualy asked me if i could hurry up and issue the permit so he could get moved back to Florida and not have to pay another months rent. of course he indicated he will be back and forth because of work but i have no way to check it out and he does not have to prove it to me.

i think some language that addresses this issue is in line, im concerned that the Florida dude is using our permit for some funky purpose down there and we may be making it easy for him. you can bet that when he comes back in 2 more years to re-new i will be making sure he lives in the

county like he is supposed to for at least 6 months

anyways that is my concern, not sure how to go about it but some way to prove they really are residents and that we do not turn into the state that just hands out the permits for 50 bucks. maybe the state revenue dept can cross ref all the issued permits and send out notices to the sheriffs if the holder does not file the following year. im sure that would open a kettle of fish

how about a requirement to require they must provide a current physical address and telephone number. make it there responsibility, and then you could do random checks and if they are not located and you cant verify the address the permit is suspended. i know this is a hot button issue in the legislature so have fun with it but those are my concerns and ideas.

thanks

mike lamey  
undersheriff  
toole county

Jim,

Richland County Sheriff's Office Reply to Survey dated 3-6-12:

1. The Social Security number stays in house on the application only.
2. No
3. Yes, Yes.
4. Simple. None.
5. No

Thanks,

Denny Palmer, Undersheriff

Jim, we have implemented just putting the last four numbers of the SSN on the permits. We list SSN# \*\*\* \*\* 1234 . We have done several duplicates where the permittee has lost their card. Even though, it's their responsibility, we are now just putting the last four digits on it.....

Tony Harbaugh, Sheriff  
Custer County

Jim , we do not use ssn on our ccw permits . Vern Burdick, Chouteau County Sheriff

Jim

I have always wondered why we could not get the ccw as an endorsement on the drivers license. This would eliminate the whole process of having to make a seperate ID. Neat and clean.

John Blain, Sheriff  
Powder River County

Hi Jim, Fergus County DOES NOT use ssn on the CCW. Tom Killham

Good Afternoon Jim.

I hope I am not too late in responding.

1. We do not use the SSN on the card. We use our own SO identifier.
2. We do obtain the SSN on the application and we use this to do a complete background on an individual. The SSN is not on the card.

3. Same as above

4. We have not had any "gripes" about obtaining the SSN. We have very few questions as to why and my staff explains that it for background reasons only.

5. I do not think a bill to remove the SSN from the application is necessary. The SSN helps us to run a complete and thorough background check.

Hope this helps.

Sheriff Bob Edwards  
Cascade County

----- Forwarded Message -----

**From:** Melise Jordan <[melisejordan@yahoo.com](mailto:melisejordan@yahoo.com)>

**To:** Senator Murphy <[murphter5@yahoo.com](mailto:murphter5@yahoo.com)>

**Sent:** Monday, January 21, 2013 7:36 PM

**Subject:** Testimony - Public Comment For Interim Study Of The Board Of Pardons And Parole LC0325

Bill Draft Number: LC0325

Bill Type - Number: SJ 3

Interim study of the Board of Pardons and Parole

My name is Melise Jordan. I wanted to attend today's hearing of January 22nd, 2013 but I have to fly between Florida and Montana. Due to health issues I could not be here today but will be flying in at the end of this month. My husband Allen Whetstone is currently incarcerated at the Montana State Prison. For a over a solid year now we have been working on the preparation of his parole hearing. I have attended the Law and Justice Committee Meetings in 2012 to voice my concern about situations that I was running into and bringing Allen's case to light. I have worked within DOC for well over 30 years. I know the system and know it well.

I have numerous documentation of communication between the Montana Department of Corrections and the Montana Board of Pardons and Parole. There has been much conflicting stories and advice between these two departments. From the beginning we have been told not to expect that he would ever be paroled on the first try. We were told about the power of adding on classes that were never court ordered by the judge. We were told that the parole board does not allow inmates out on the first time and to expect a minimum of two years to be served. Allen's case worker from Montana State Prison told me this herself. The public officer information found out for me that they had classified Allen wrong which was holding him up for court ordered classes. Thus costing me much money traveling between two states preparing for a parole hearing that was canceled. I have a list of names of every person that I have communicated with between these two departments, if you would like them.

I know that we are in the midst of committees and sessions concerning the budget on Montana Department of Corrections and also concerning the Board of Pardons and Parole. I would ask that each of you look into the outpouring of concern from Montanans across the state of all races. We have a major problem that is not being addressed. It is only continuing to get worse. We have documentation, we have proof of injustices, we have more and more citizens speaking up on the threats that they have received or still receiving.

I was threatened for testifying at the last Law and Justice Committee Hearing on September 7th, 2012. When have we, as citizens lost our right to speak before our legislators that are to represent us? Have we become not only a state but a nation where the people no longer matter? I cannot begin to explain to you the emotions that come up when an official from the Board of Pardons and Parole threatens you for testifying on what is happening within the system and my husband is going before them on February 28th, 2013. As you see, I have not allowed it to stop me. I have made a promise to too many Montanans that I will be a voice for those that have no voice. I am asking you to please issue a study on the Board of Pardons and Parole. I appreciate and thank you for taking the time and consideration reviewing this bill that we feel is very crucial for the well being for the citizens of Montana.

Melise Jordan

"Injustice anywhere is a threat to justice everywhere." Martin Luther King, Jr.

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