

# Montana State Legislature

## **2013 Session**

### **ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:**

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
  - \* **Petitions if any.**
  - \* **Any and all material handed end after the meeting ends.**

**The original is on file at the  
Montana Historical Society  
and may be viewed there.**

**Montana Historical Society  
Archives  
225 N. Roberts  
Helena MT 59620-1201  
2013 Legislative Scanner Susie Hamilton**

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

**Date:** Friday, March 15, 2013  
**Place:** Capitol

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

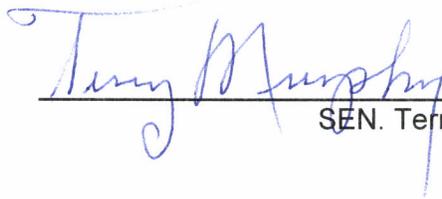
**BILLS and RESOLUTIONS HEARD:**

HB 168 - Revise DUI laws for THC - Rep. David (Doc) Moore  
HB 355 - Eliminate the 5-year look back for alcohol and drug driving offenses - Rep. Christy Clark

**EXECUTIVE ACTION TAKEN:**

HB 16-BE CONCURRED IN  
HB 72-BE CONCURRED IN  
HB 140-BE CONCURRED IN

**Comments:**



SEN. Terry Murphy, Chair

# MONTANA STATE SENATE

## 2013 JUDICIARY COMMITTEE

# ROLL CALL

DATE: 3/15/13

<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	—	



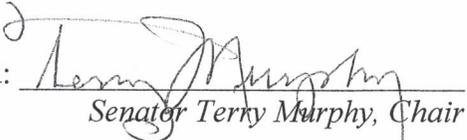
SENATE STANDING COMMITTEE REPORT

March 15, 2013

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 16** (third reading copy -- blue) be **concurrred in**.

Signed:   
*Senator Terry Murphy, Chair*

To be carried by Senator Shannon Augare

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required

HB0016001SC14306.swr



**SENATE STANDING COMMITTEE REPORT**

**March 15, 2013**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 72** (third reading copy -- blue) be **concurred in**.

Signed:   
*Senator Terry Murphy, Chair*

To be carried by Senator Robyn Driscoll

- END -

**Committee Vote:**

**Yes 8, No 4**

Fiscal Note Required



**SENATE STANDING COMMITTEE REPORT**

**March 15, 2013**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 140** (third reading copy -- blue) **be concurred in.**

Signed:   
*Senator Terry Murphy, Chair*

To be carried by Senator Robyn Driscoll

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required

HB0140001SC12924.swr

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2013 JUDICIARY COMMITTEE

DATE 3/15/13 BILL NO HB16 MOTION NO. 1

MOTION: Be Concurred DW

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 (AUGARE)

**MONTANA STATE SENATE**  
**ROLL CALL VOTE**  
**2013 JUDICIARY COMMITTEE**

DATE 3/15/13 BILL NO HB 72 MOTION NO. 1

MOTION: Be Renewed

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	—		

8/4

(Driscoll)

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2013 JUDICIARY COMMITTEE

DATE 3/15/13 BILL NO HB 140 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 (Driscoll)





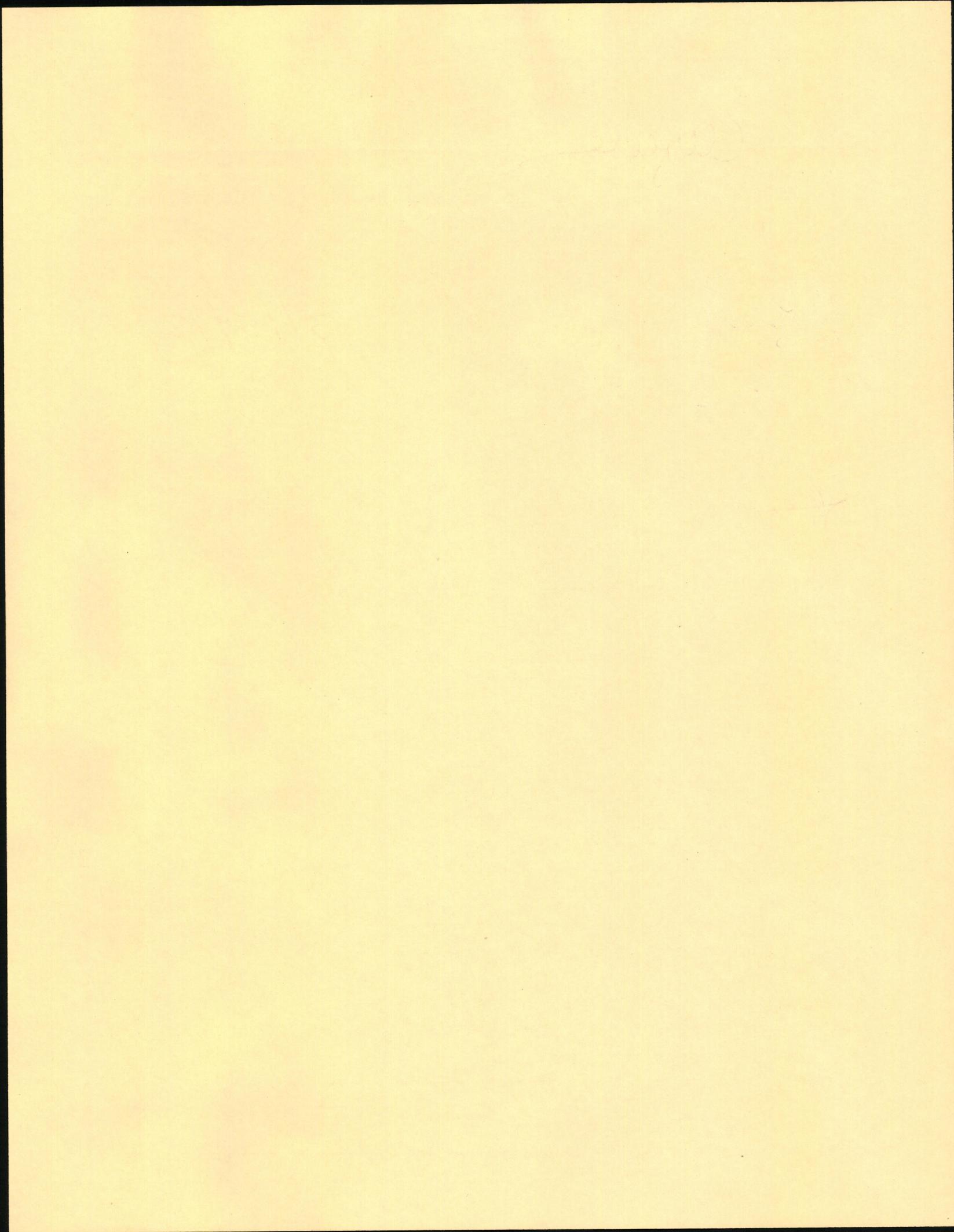




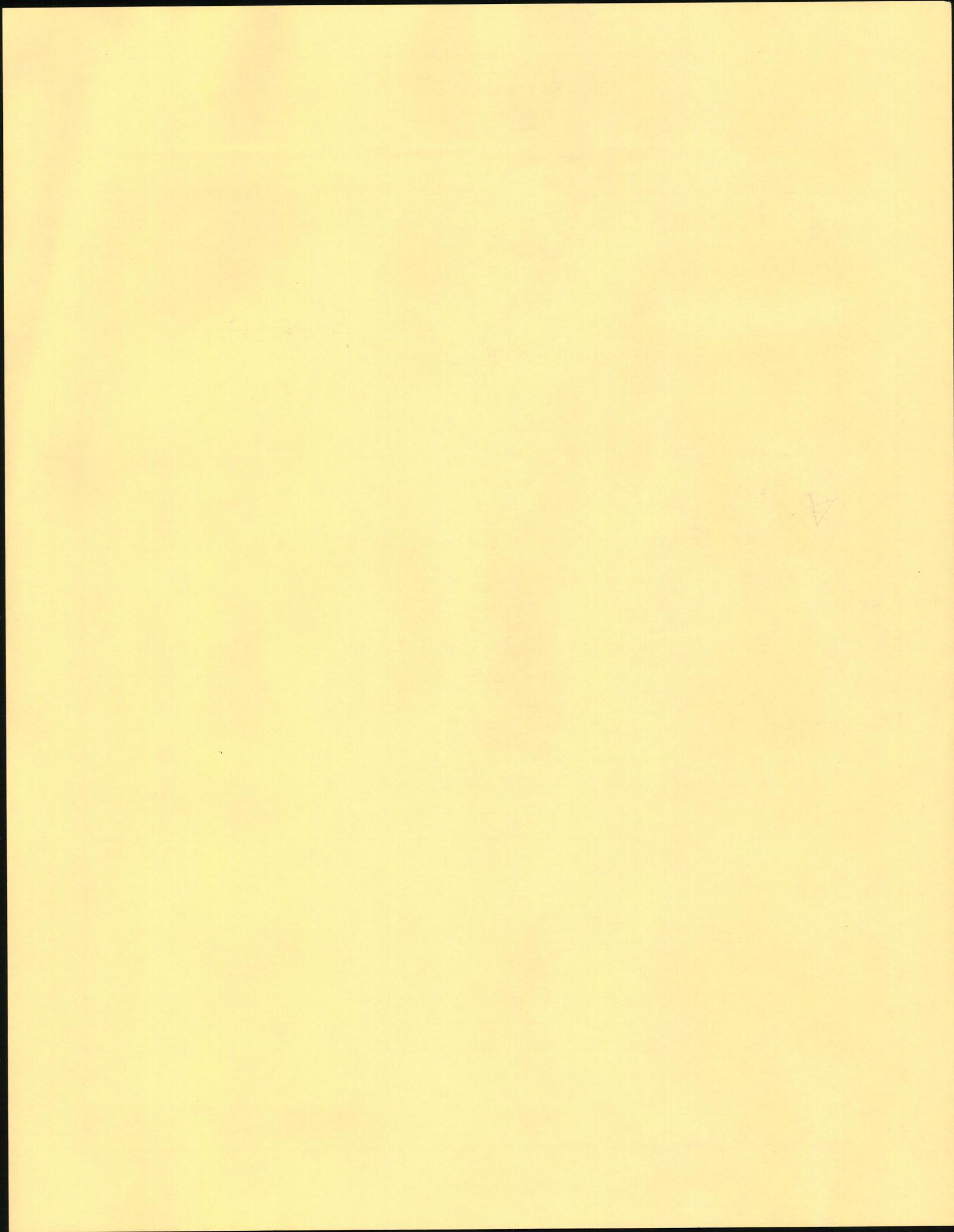


















Missoula County Sheriff's Dept  
200 W. Broadway  
Missoula, MT 59802

**ADDITIONAL  
DOCUMENTS**

**Carl C. Ibsen  
SHERIFF**

**Missoula County Sheriff's  
Office**

(406) 258-3312

(406) 531-0301

e-mail: [cibsen@co.missoula.mt.us](mailto:cibsen@co.missoula.mt.us)

FAX: (406) 721-8575

14 March 2013

Re: House Bill No. 355

Senate Judiciary Committee Chairman Murphy  
Members of Senate Judiciary Committee

HB 355 is an appropriate and well thought out modification to existing DUI law. The expansion of the previous DUI convictions historical look back from 5 to 10 years on first and second offenders is an important enhancement. The same is even more true for the expansion to full lifetime look back when it is a third or subsequent conviction.

Let's face it. Virtually anyone can find themselves getting a DUI. One. That does not necessarily make them a bad guy. They may learn a hard lesson and never offend again. By being able to look back 10 years, the state has a bit of a hook in them to encourage them to develop a life pattern of no drinking and driving. Essentially this allows them to "start anew" if they can develop the habit of driving sober.

However, those persons who have managed to re-offend three or more times over the course of years, deserve no such chance. They have shown a long term pattern that will likely continue for the remainder of their lives and they should be held accountable for all of their previous bad choices in the determination of sentence. The best predictor of future behavior is past behavior, especially long term past behavior.

I suspect that the look back is a part of the state's attempt to help convicted driver's understand their longer term potential legal consequences, while giving them a chance to correct the course of their lives, yet recognizing that some of them will re-offend and should be dealt with in an individual specific and increasingly harsh manner, accounting for all of their behavior history and recognizing that they have failed to accept responsibility and behavior modification that would enhance public safety.

We believe that HB 355 will accomplish appropriate sentencing, offender accountability and enhanced safety on the highways of Montana.

Please pass HB355 out of committee with a recommendation to pass and enact. It into law.

Respectfully,

A handwritten signature in black ink, appearing to read "Carl C. Ibsen".