

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 16, 2013 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Gerald (Jerry) Bennett, Vice Chair (R)
Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Virginia Court (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Jerry O'Neil (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Mark Blasdel (R)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Helen Thigpen, Legislative Branch

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: HB 71, 1/7/2013; HB 72, 1/7/2013; HB 74, 1/10/13; HB 80, 1/9/13

00:14:31 Rep. Pease-Lopez and Rep. Smith left the meeting.

HEARING ON HB 74

Opening Statement by Sponsor:

00:14:49 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 74, Require disclosure of child abuse to DPHHS to law enforcement in all cases.

Proponents' Testimony:

00:17:46 Scott Twito, Yellowstone County Attorney

EXHIBIT(juh08a01)

00:26:00 John Parker, Cascade County Attorney

00:29:01 Sarah Corbally, Administrator, Child and Family Services Division, Department of Public Health and Human Services (DPHHS)

00:32:42 Bill Fullbright, Ravalli County Attorney

00:34:47 Greg Chilcott, Ravalli County Commissioner, Montana Association of Counties (MACo)

00:35:26 Jon Bennion, Montana Department of Justice (DOJ)

00:35:54 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:37:53 Larry Epstein, Montana Police Protective Association (MPPA), Montana Chiefs of Police Association (MCPA)

00:38:29 Jerry Williams, Executive Director, Montana Police Protective Association (MPPA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:39:02 Rep. Regier

00:39:34 Mr. Twito, Yellowstone County Attorney

00:40:13 Rep. Regier

00:40:22 Mr. Twito, Yellowstone County Attorney

00:40:27 Rep. Regier

00:40:42 Ms Corbally, DPHHS

00:41:49 Rep. Regier

00:42:02 Ms Corbally, DPHHS

00:42:26 Rep. Lenz

00:42:35 Rep. Hill

00:43:19 Ms Corbally, DPHHS

00:43:47 Rep. O'Neil

00:44:04 Ms Corbally, DPHHS

00:44:49 Rep. O'Neil

00:45:12 Ms Corbally, DPHHS

00:45:25 Rep. O'Neil

00:45:34 Ms Corbally, DPHHS

00:45:50 Rep. O'Neil

00:46:06 Ms Corbally, DPHHS

00:46:44 Rep. O'Neil

00:46:50 Ms Corbally, DPHHS

00:46:54 Rep. Wagoner
00:47:33 Ms Corbally, DPHHS
00:48:10 Chairman Kerns
00:48:17 Mr. Twito, Yellowstone County Attorney
00:49:54 Rep. Eck
00:50:22 Mr. Twito, Yellowstone County Attorney
00:53:36 Rep. Eck
00:53:51 Mr. Twito, Yellowstone County Attorney
00:54:31 Rep. Lenz
00:55:20 Mr. Twito, Yellowstone County Attorney
00:56:14 Rep. Bennett
00:56:38 Ms Corbally, DPHHS
00:56:42 Rep. Bennett
00:56:56 Ms Corbally, DPHHS
00:57:03 Rep. Bennett
00:57:14 Ms Corbally, DPHHS
00:57:58 Rep. Bennett
00:58:21 Mr. Twito, Yellowstone County Attorney
00:59:37 Rep. O'Neil
01:00:09 Ms Corbally, DPHHS
01:00:52 Rep. O'Neil
01:01:15 Ms Corbally, DPHHS
01:03:32 Chairman Kerns
01:03:38 Rep. O'Neil
01:03:59 Ms Corbally, DPHHS
01:04:05 Rep. Warburton
01:04:22 Ms Corbally, DPHHS
01:04:39 Rep. Warburton
01:04:45 Ms Corbally, DPHHS
01:05:21 Rep. Warburton
01:06:12 Ms Corbally, DPHHS

Closing by Sponsor:

01:07:11 Rep. MacDonald

01:09:32 Recessed

01:16:07 Reconvened

HEARING ON HB 80

Opening Statement by Sponsor:

01:16:28 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 80, Authorizing peace officer status for corrections criminal investigators.

[EXHIBIT\(juh08a02\)](#)

Proponents' Testimony:

01:18:16 Mike Batista, Director, Department of Corrections (COR)

01:19:07 Rep. Pease-Lopez and Rep. Smith returned to the meeting.

01:26:32 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

01:28:16 Greg Chilcott, Ravalli County Commissioner, Montana Association of Counties (MACo)
01:28:58 John Strandell, Investigations Bureau Chief, Division of Criminal Investigation, Department of Justice (DOJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:30:27 Rep. O'Neil
01:30:59 Mr. Batista, COR
01:31:06 Rep. O'Neil
01:31:10 Mr. Batista, COR
01:31:22 Rep. O'Neil
01:31:38 Mr. Batista, COR
01:31:54 Rep. O'Neil
01:31:59 Mr. Batista, COR
01:32:19 Rep. O'Neil
01:32:27 Mr. Batista, COR
01:33:10 Rep. O'Neil
01:33:21 Mr. Batista, COR
01:33:24 Rep. O'Neil
01:33:30 Mr. Batista, COR
01:33:45 Rep. O'Neil
01:33:49 Mr. Batista, COR
01:34:04 Rep. O'Neil
01:34:24 Mr. Batista, COR
01:34:33 Rep. O'Neil
01:34:43 Mr. Batista, COR
01:35:05 Rep. O'Neil
01:35:14 Mr. Batista, COR
01:35:23 Rep. Fiscus
01:35:55 Mr. Batista, COR
01:36:40 Rep. Fiscus
01:36:47 Mr. Batista, COR
01:37:30 Rep; Fiscus
01:37:44 Mr. Batista, COR
01:38:15 Rep. Bennett
01:38:53 Mr. Batista, COR
01:39:00 Rep. Bennett
01:39:25 Mr. Batista, COR
01:39:32 Rep. Bennett
01:39:42 Mr. Batista, COR
01:39:46 Rep. Bennett
01:39:54 Mr. Batista, COR
01:40:29 Rep. Wagoner
01:40:49 Mr. Batista, COR
01:41:01 Rep. Wagoner
01:41:08 Mr. Batista, COR

01:41:56 Rep. Wagoner
01:42:09 Mr. Batista, COR

Closing by Sponsor:

01:42:38 Rep. Lavin

HEARING ON HB 71

Opening Statement by Sponsor:

01:43:51 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 71, Clarifying restorative justice laws and establish grant program.

[EXHIBIT\(juh08a03\)](#)

[EXHIBIT\(juh08a04\)](#)

[EXHIBIT\(juh08a05\)](#)

Proponents' Testimony:

01:57:00 Steve Cape, Montana Coalition for Safety and Justice (MCSJ)
02:02:55 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
02:04:57 Sarah Rossi, Public Policy Coordinator, Montana Coalition Against Domestic & Sexual Violence

Opponents' Testimony: None

Informational Testimony:

02:05:47 Brooke Marshall, Director, Montana Board of Crime Control (MBCC)

Questions from Committee Members and Responses:

02:07:09 Rep. Bennett
02:08:05 Rep. MacDonald
02:08:38 Rep. Laszloffy
02:09:23 Rep. MacDonald
02:09:59 Ms Marshall, MBCC
02:11:02 Rep. Laszloffy
02:11:14 Ms Marshall, MBCC
02:11:54 Rep. Halvorson
02:12:21 Rep. MacDonald
02:13:17 Rep. Bennett
02:14:04 Rep. MacDonald
02:15:17 Rep. Fiscus
02:15:42 Rep. MacDonald

Closing by Sponsor:

02:16:56 Rep. MacDonald

HEARING ON HB 72

Opening Statement by Sponsor:

02:19:11 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 72, Allow restorative justice as condition of suspended or deferred sentence

[EXHIBIT\(juh08a06\)](#)

Proponents' Testimony:

02:21:02 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

02:21:43 Steve Cape, Montana Coalition for Safety and Justice (MCSJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:22:35 Rep. Wagoner

02:23:01 Rep. MacDonald

02:23:17 Rep. Gursky

02:23:40 Rep. MacDonald

02:24:58 Rep. Gursky

02:25:19 Rep. MacDonald

02:26:26 Rep. Court

02:27:01 Rep. MacDonald

Closing by Sponsor:

02:27:59 Rep. MacDonald

02:28:06 Chairman Kerns

02:28:21 Ms Thigpen

02:28:48 Chairman Kerns

ADJOURNMENT

Adjournment: 02:28:48

Karen Armstrong, Secretary

ka

Additional Documents:

EXHIBIT([juh08aad.pdf](#))