

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on February 5, 2013 at 9:00 AM, in Room 303  
Capitol

#### ROLL CALL

##### **Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Scott Sales, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Scott Boulanger (R)  
Sen. Robyn Driscoll (D)  
Sen. Jennifer Fielder (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. John Brenden (R), Sen. Art Wittich (R)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, 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 196, 1/31/2013; HB 17, 1/31/2013; HB 107, 1/31/2013; HB 137, 1/31/2013

Executive Action: HB 17-Be Concurred In, HB 107-Be Concurred In, HB 137-Be Concurred In

**HEARING ON HB 17**

**Opening Statement by Sponsor:**

00:20:26 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 17, Revise or eliminate certain DOJ advisory councils and reports.

**Proponents' Testimony:**

00:21:43 Allen Lorenz, Montana State Fire Marshall, Fire Prevention and Investigation Department, Department of Justice (DOJ), State of Montana

**Opponents' Testimony:** None

**Informational Testimony:**

00:23:42 Matthew Dale, Director of Consumer Protection and Victim Services, Department of Justice (DOJ) State of Montana

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:24:13 Rep. Hill

**HEARING ON HB 107**

**Opening Statement by Sponsor:**

00:24:38 Rep. Ryan Lynch (D), HD 74, opened the hearing on HB 107, Revise laws related to legal counsel representation in abuse and neglect cases.

**Proponents' Testimony:**

00:26:30 William Hooks, Chief Public Defender, Office of Public Defender (OPD), State of Montana

00:29:00 Niki Zupanic, American Civil Liberties Union (ACLU)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:30:00 Sen. Fielder

00:30:04 Mr. Hooks, OPD

**Closing by Sponsor:**

00:30:23 Rep. Lynch

**HEARING ON HB 137**

**Opening Statement by Sponsor:**

00:31:12 Rep. Kimberly Dudik (D), HD 99, opened the hearing on HB 137, Clarify application of parole eligibility for juvenile offenders.

**Proponents' Testimony:**

00:34:18 Mardell Ployhar, Assistant Attorney General, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus25a01\)](#)

00:39:12 Jeremy Gersovitz, Attorney, Lewis and Clark County Attorneys (L&CCA), Helena Montana

00:40:31 Mick Leary, self, father of Kahner Leary

00:46:06 Brian Wohlers, self, father of Joseph (Joey) Wohlers

00:48:57 Joseph (Joey) Wohlers, self

00:56:27 Jody Anderson, mother of Cory Andrewski

01:00:14 Larry Epstein, Montana County Attorneys Association (MCAA)

**Opponents' Testimony:** None

**Informational Testimony:**

01:01:31 Jeremy Gersovitz, Attorney, Lewis and Clark County Attorneys (L&CCA), Helena, Montana

**Questions from Committee Members and Responses:**

01:01:51 Sen. Larsen

01:02:15 Rep. Dudik

01:03:10 Sen. Driscoll

01:03:30 Mr. Leary

01:04:33 Ms. Ployhar, DOJ

**Closing by Sponsor:**

01:04:58 Rep. Dudik

**HEARING ON SB 196**

**Opening Statement by Sponsor:**

01:05:48 Sen. Matthew Rosendale (R), SD 19, opened the hearing on SB 196, Generally revise criminal laws.

**Proponents' Testimony:**

01:10:12 Niki Zupanic, American Civil Liberties Union (ACLU)

[EXHIBIT\(jus25a02\)](#)

[EXHIBIT\(jus25a03\)](#)

01:16:37 Larry Epstein, Montana County Attorneys Association (MCAA)

[EXHIBIT\(jus25a04\)](#)

**Opponents' Testimony:**

01:19:50 Eric Brosten, Space Age Freedom Fighters (SAFF)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:20:51 Sen. Blewett

01:22:23 Ms. Zupanic, ACLU

01:32:14 Sen. Jent

01:33:16 Mr. Epstein, MCAA

01:34:01 Sen. Blewett

01:34:58 Mr Epstein

01:35:37 Sen. Fielder

01:36:08 Sen. Rosendale

01:36:53 Sen. Jent

01:37:05 Mark Murphy, Montana County Attorneys Association (MCAA)

**Closing by Sponsor:**

01:37:24 Sen. Rosendale

**EXECUTIVE ACTION ON HB 17**

01:39:24 **Motion/Vote:** Sen. Augare moved that **HB 17 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Brenden and Sen. Wittich voted by proxy. Sen. Murphy will carry the bill.

(Sen. Larsen and Sen. Jent absent from hearing)

**EXECUTIVE ACTION ON HB 107**

01:40:23 **Motion/Vote:** Sen. Augare moved that **HB 107 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Brenden, Sen. Jent, Sen. Larsen and Sen. Wittich voted by proxy. Sen. Augare will carry the bill.

( Sen. Jent returned to hearing)

**EXECUTIVE ACTION ON HB 137**

01:42:01 **Motion/Vote:** Sen. Augare moved that **HB 137 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Brenden, Sen. Larsen and Sen. Wittich voted by proxy. Sen. Jent will carry the bill.

**Discussion:**

01:44:00 Sen. Fielder  
01:44:25 Chairman Murphy  
01:44:50 Sen. Jent

**EXECUTIVE ACTION ON SB 112**

01:48:28 **Motion:** Sen. Blewett moved that **SB 112 DO PASS**.

**Discussion:**

01:48:39 Sen. Sales  
01:49:04 Sen. Blewett **WITHDREW MOTION SB 112 DO PASS**.

**ADJOURNMENT**

Adjournment: 10:33 A.M.

---

Pam Schindler, Secretary

ps

Additional Documents:

**EXHIBIT([jus25aad.pdf](#))**