

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 8, 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. Cliff Larsen (D)
Sen. Chas Vincent (R)

Members Excused: Sen. John Brenden (R), Sen. Art Wittich (R), Sen. Larry Jent (D)

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 9, SB 198, 1/28/2013
Executive Action: SB 9-Do Pass, SB 187-Do Pass, SB 160-Do Pass As Amended,
SB 188-Do Pass-Motion Withdrawn

(Vice Chairman Sales assumed the role of Chairman)

HEARING ON SB 9

Opening Statement by Sponsor:

00:16:47 Sen. Terry Murphy (R), SD 39, opened the hearing on SB 9, Establish the corrections advisory council.

Proponents' Testimony:

00:19:26 Bob Anez, Communications Director, Department of Corrections (DOC) State of Montana

00:22:28 Steve Cape, Montana Coalition For Safety and Justice (MCSJ), Great Falls, Montana

00:23:43 Melise Jordan, self, Advocates Against Injustice (AAI), family member in Montana State Prison, Department of Corrections (DOC), Deer Lodge, Montana

00:26:46 Rudy Stock, self, family member in Crossroads Correctional Center (CCC), Shelby, Montana

00:27:32 Marci (Marciana) Garay, self, son in Montana State Prison, Department of Corrections (DOC), Deer Lodge, Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:30:09 Sen. Driscoll

00:30:39 Sen. Murphy

Closing by Sponsor:

00:31:02 Sen. Murphy

(Chairman Murphy resumes Chairman role)

HEARING ON SB 198

Opening Statement by Sponsor:

00:31:49 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 198, Revise laws related to penalties for assault on a minor.

Proponents' Testimony:

00:34:33 Bill Fulbright, Ravalli County Attorney, Hamilton Montana
00:40:42 Leo Gallagher, Lewis and Clark County Attorney, President, Montana County Attorneys Association (MCAA)
00:45:41 Brant Light, Chief Prosecutor, Assistant Attorney General, on behalf of Attorney General, Tim Fox, Department of Justice (DOJ), State of Montana
00:50:10 John Parker, Cascade County Attorney, Great Falls, Montana
00:52:41 Abigail St. Lawrence, Montana Association of Churches (MAC)
00:54:07 Jessica Bray, self, Registered Nurse, Benefis Hospital, Great Falls, Montana, Mother of daughter killed by child abuse
00:57:43 Jesse Slaughter, Montana Police Protective Association (MPPA), Detective, Great Falls Police Department (GFPD), Great Falls, Montana
01:01:49 Brett Linneweber, Park County Attorney, Livingston, Montana
01:03:31 Sarah Corbally, Administrator, Child and Family Service Division, (DPHHS), State of Montana
01:05:15 Jed Fitch, Beaverhead County Attorney, Dillon, Montana
01:06:40 Steve Cape, Montana Coalition For Safety and Justice (MCSJ), Great Falls, Montana
01:07:39 Georgette Boggio, Big Horn County Attorney, Hardin, Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:08:18 Sen. Blewett
01:09:03 Mr. Light, DOJ
01:12:06 Sen. Augare
01:14:00 Sen. Thomas
01:14:30 Mr. Fulbright, Ravalli County Attorney
01:16:58 Sen. Fielder
01:17:37 Mr. Slaughter, Great Falls Police Department
01:21:30 Sen. Larsen
01:22:25 Mr. Parker, Cascade County Attorney
01:25:52 Sen. Blewett
01:26:55 Mr. Light

Closing by Sponsor:

01:28:06 Sen. Thomas

01:31:40 Brief Recess
01:45:22 Reconvene

EXECUTIVE ACTION ON SB 9

01:46:02 **Motion/Vote:** Sen. Sales moved that **SB 9 DO PASS**. Motion carried 8-4 by roll call vote with Sen. Boulanger, Sen. Sales, Sen. Vincent and Sen. Wittich voting no. Sen. Brenden, Sen. Jent, Sen. Vincent and Sen. Wittich voted by proxy.

(Sen. Vincent absent from the hearing.)

EXECUTIVE ACTION ON SB 160

01:47:33 **Motion:** Sen. Blewett moved that **SB 160 DO PASS**.

01:47:38 **Motion:** Sen. Larsen moved that **SB 160 BE AMENDED**.
[EXHIBIT\(jus28a01\)](#)

(Sen. Vincent returned to the hearing.)

Discussion:

01:49:20 Sen. Fielder
01:49:54 Sen. Augare
01:50:14 Julianne Burkhardt, Legislative Services Division (LSD)
01:53:03 Sen. Larsen
01:53:32 Mr. Parker, Cascade County Attorney
01:55:11 Sen. Fielder
01:56:20 Mr. Parker
01:59:13 Sen. Vincent
01:59:31 Sen. Fielder

02:00:48 **Motion/Vote:** Sen. Sales moved to **SEGREGATE SECTION #5 FROM AMENDMENT**. Motion carried unanimously by voice vote of those present and voting.

02:02:08 Sen. Murphy
02:03:20 Mr. Parker
02:07:26 Sen. Fielder
02:07:56 Sen. Larsen

02:08:44 **Vote:** Motion carried unanimously by roll call vote. Sen. Brenden, Sen. Jent and Sen. Wittich voted by proxy.

02:08:56 Sen. Sales
02:09:16 Sen. Vincent
02:09:42 Sen. Fielder

02:10:50 **Motion:** Sen. Larsen moved that **SB 160 DO PASS AS AMENDED**.

Discussion:

02:11:02 Sen. Vincent
02:11:34 Mr. Parker
02:12:22 Sen. Boulanger

02:12:57 **Vote:** Motion carried unanimously by roll call vote. Sen. Brenden, Sen. Jent and Sen. Wittich voted by proxy.

EXECUTIVE ACTION ON SB 187

02:14:07 **Motion:** Sen. Fielder moved that **SB 187 DO PASS.**

Discussion:

02:14:40 Julianne Burkhardt, LSD
02:15:37 Sen. Murphy
02:15:50 Ms. Burkhardt
02:16:40 Sen. Fielder
02:16:53 Sen. Blewett
02:17:10 Ms. Burkhardt

02:17:31 **Vote:** Motion carried 7-5 by roll call vote with Sen. Blewett, Sen. Jent, Sen. Sales, Sen. Vincent and Sen. Wittich voting no. Sen. Brenden, Sen. Jent and Sen. Wittich voted by proxy.

EXECUTIVE ACTION ON SB 188

02:20:03 **Motion:** Sen. Boulanger moved that **SB 188 DO PASS.**

Discussion:

02:20:35 Sen. Fielder
02:20:40 Sen. Murphy
02:22:09 Sen. Fielder
02:22:17 Sen. Webb
02:22:44 Julianne Burkhardt
02:23:13 Sen. Murphy

02:23:19 Sen. Boulanger **WITHDREW MOTION SB 188 DO PASS.**

ADJOURNMENT

Adjournment: 11:15 A.M.

Pam Schindler, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus28aad.pdf](#))