

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 25, 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. Art Wittich (R)

Members Excused: Sen. John Brenden (R,) Sen. Chas Vincent (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: HB 104, 3/5/2013, HB 233, 3/12/2013
Executive Action: SR 5-BE ADOPTED, SR 6-BE ADOPTED, SR 7-BE ADOPTED,
SR 27-BE ADOPTED,
HB 345-BE CONCURRED IN/BE AMENDED/MOTION
WITHDRAWN

HEARING ON HB 233**Opening Statement by Sponsor:**

00:04:26 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 233, Generally revise 24/7 sobriety program.

[EXHIBIT\(jus64a01\)](#)

[EXHIBIT\(jus64a02\)](#)

Proponents' Testimony:

00:07:32 Jon Bennion, Deputy Chief, Attorney General, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus64a03\)](#)

00:11:03 Ali Bovington, Deputy Chief of Staff, Governors Office (GO), State of Montana

00:13:19 Tom Butler, Lt. Col. Montana Highway Patrol (MHP), Department of Justice (DOJ), Supervisor, 24/7 Sobriety Program Advisory Council, State of Montana

[EXHIBIT\(jus64a04\)](#)

[EXHIBIT\(jus64a05\)](#)

00:16:36 Leo Dutton, Sheriff, Lewis and Clark County, Helena, Montana, also Board Member, Montana Sheriffs and Peace Officers Association (MSPOA)

00:19:35 Chuck Curry, Sheriff, Flathead County, Kalispell, Montana, also Board member, Montana Sheriffs and Peace Officers Association (MSPOA), also, member, 24/7 Sobriety Program Advisory Council

00:23:18 Pat Roos, Undersheriff, Custer County, Ennis, Montana

00:25:12 Brian Gootkin, Sheriff, Gallatin County, Bozeman, Montana

00:25:56 Mike Swingley, Justice of the Peace, Lewis and Clark County, Helena, Montana

00:29:29 Perry Miller, Justice of the Peace, Blaine County, Chinook, Montana, also Montana Magistrates Association (MMA)

00:32:06 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD), Montana Common Sense Coalition (MCSC)

00:33:26 Jane Hamman, Montana Traffic Education Association (MTEA)

00:34:12 Larry Epstein, Montana Chiefs of Police Association (MCOPA), Montana Police Protective Association (MPPA), Montana County Attorneys Association, (MCAA)

00:34:40 Jessie Luther, Association of Montana Troopers (AMT)

00:35:10 Fern Osler, Executive Director, Board of Pardons and Parole, Department of Corrections, State of Montana

00:35:52 Sarah Rossi, Public Policy Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony: None

Informational Testimony:

00:36:20 Matt Cochenour, Assistant Attorney General, Department of Justice, State of Montana

Questions from Committee Members and Responses:

00:37:02 Sen. Jent
00:38:19 Rep. Lavin
00:38:42 Ms. Luther, AMT
00:40:33 Sen. Jent
00:40:54 Judge Swingley, L & C County
00:42:54 Sen. Sales
00:43:24 Rep. Lavin
00:45:28 Sheriff Dutton, L & C County
00:47:14 Rep. Lavin
00:47:33 Ms. Luther
00:48:07 Sen. Sales
00:48:18 Ms. Luther
00:49:27 Sen. Murphy
00:50:05 Mr. Bennion, DOJ
00:51:52 Sheriff Dutton
00:51:59 Judge Swingley
00:54:00 Sheriff Dutton
00:58:35 Sen. Blewett
01:00:12 Ms. Luther
01:06:52 Sen. Augare
01:08:11 Lt. Col. Butler, MHP
01:10:02 Sen. Fielder
01:10:46 Julianne Burkhardt, Legislative Services Division (LSD)
01:11:14 Sheriff Dutton
01:11:41 Lt. Col. Butler
01:13:38 Sen. Fielder
01:13:53 Sheriff Dutton
01:17:57 Lt. Col. Butler
01:19:49 Sen. Blewett
01:20:32 Ms. Luther
01:22:24 Sen. Blewett
01:23:34 Judge Miller, Blaine County
01:34:43 Sen. Murphy
01:35:19 Rep. Lavin

Closing by Sponsor:

01:35:47 Rep. Lavin
01:38:48 Brief Recess
01:44:09 Reconvene

HEARING ON HB 104**Opening Statement by Sponsor:**

01:44:40 Rep. Keith Regier (R), HD 5, opened the hearing on HB 104, Criminalize offenses involving death to an unborn child.

[EXHIBIT\(jus64a06\)](#)

Proponents' Testimony:

01:49:36 Gregg Trude, State Director, Right to Life/Montana (RTL/MT)
01:50:40 Marybeth Adams, self, Family Nurse Practitioner, Belgrade, Montana
01:54:04 Laura d'Esterre, Culture of Life Spokeswoman, Montana Catholic Conference,
Helena, Montana

EXHIBIT(jus64a07)

01:57:30 Tonya Shellnutt, Executive Director, Concerned Women of America/Montana
(CWA/MT)
01:59:14 Jeff Laszloffy, Executive Director, Montana Family Foundation (MTFF)

Opponents' Testimony:

02:02:48 Niki Zupanic, American Civil Liberties Union (ACLU), Montana Reproductive
Rights Coalition (MRRC)

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

02:07:35 Sen. Fielder
02:08:01 Ms. Zupanic, ACLU/MRRC
02:09:17 Sen. Fielder
02:09:30 Sarah Rossi, Public Policy Director, Montana Coalition Against Domestic and
Sexual Violence (MCADSV)
02:09:54 Sen. Wittich
02:10:31 Ms. Zupanic, ACLU
02:12:43 Ms. Burkhardt, LSD
02:13:14 Sen. Murphy
02:14:19 Mr. Trude, RTL/MT

Closing by Sponsor:

02:14:54 Rep. Regier

EXECUTIVE ACTION ON HB 345**Discussion:**

02:16:20 Ms. Burkhardt
02:16:30 Sen. Wittich

02:17:40 **Motion:** Sen. Wittich moved that **HB 345 BE CONCURRED IN.**

02:17:47 **Motion:** Sen. Wittich moved that **HB 345 BE AMENDED.**

EXHIBIT(jus64a08)

(Sen. Driscoll absent from hearing)

Discussion:

02:20:50 Sen. Jent
02:22:00 Sen. Wittich

02:22:28 Without objection, Sen. Wittich withdrew the motion that **HB 345 BE CONCURRED IN AND AMENDED.**

EXECUTIVE ACTION ON SR 5

02:23:47 **Motion/Vote:** Sen. Jent moved that **SR 5 BE ADOPTED.** Motion carried 12-0 by voice vote. Sen. Brenden, Sen. Driscoll and Sen. Vincent voted by proxy.

(Vice Chairman Sales assumed the Chairman's role)

EXECUTIVE ACTION ON SR 6

02:24:53 **Motion/Vote:** Sen. Murphy moved that **SR 6 BE ADOPTED.** Motion carried 12-0 by voice vote. Sen. Brenden, Sen. Driscoll and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SR 7

02:25:50 **Motion/Vote:** Sen. Murphy moved that **SR 7 BE ADOPTED.** Motion carried 12-0 by voice vote. Sen. Brenden, Sen. Driscoll and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SR 27

02:26:36 **Motion/Vote:** Sen. Murphy moved that **SR 27 BE ADOPTED.** Motion carried 12-0 by voice vote. Sen. Brenden, Sen. Driscoll and Sen. Vincent voted by proxy.

(Chairman Murphy resumed Chairman's role)

ADJOURNMENT

Adjournment: 11:27 A.M.

Pam Schindler, Secretary

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Additional Documents:

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EXHIBIT([jus64aad.pdf](#))