

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on January 16, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Stephanie Hess (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Clayton Fiscus (R)
Rep. Kathy Kelker (D)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: McKenzie Chambers, 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 37, 1/9/2015; HB 135, 1/9/2015; HB 195, 1/9/2015
Executive Action: HB 28, HB 71, HB 74, HB 100, HB 106, HB 133, HB 141, HB 142

00:01:22 Chair J. Bennett

HEARING ON HB 37

Opening Statement by Sponsor:

00:02:09 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 37, Revising laws regarding domestic violence and child abuse evidence admissibility.

Proponents' Testimony:

00:09:27 Marty Lambert, Prosecutor, State of Montana and Attorney, Gallatin County

00:12:44 Rep. Regier joined the meeting.

00:14:40 Rep. Garner, HD 7

00:17:08 Kelsen Young, Executive Director, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

Opponents' Testimony:

00:21:21 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:57 Rep. McConnell

00:25:53 Rep. Monforton

00:27:37 Rep. McConnell

00:27:45 Rep. Monforton

00:27:56 Rep. McConnell

00:28:25 Rep. Monforton

00:29:31 Chair J. Bennett

00:29:40 Rep. McConnell

00:30:15 Rep. Monforton

00:31:51 Rep. Hill

00:33:22 Kelsen Young, MCADSV

00:35:39 Rep. Hill

00:36:28 Rep. Garner, HD 7

00:38:51 Rep. MacDonald

00:39:31 Rep. Monforton

00:41:23 Rep. MacDonald

00:42:37 Niki Zupanic, ACLU

00:45:32 Rep. Eck

00:46:20 Helen Thigpen, Legislative Services Division (LSD)

00:46:28 Rep. Eck

00:47:18 Niki Zupanic, ACLU

00:50:00 Rep. Eck

00:50:07 Marty Lambert, Prosecutor, State of Montana and Attorney, Gallatin County

00:52:51 Rep. Eck

00:53:32 Rep. Wagoner

00:53:41 Rep. Person

00:54:39 Niki Zupanic, ACLU

00:57:48 Rep. Hill

00:58:56 Rep. Monforton
01:00:26 Rep. Pease-Lopez
01:01:07 Marty Lambert, Prosecutor, State of Montana and Attorney, Gallatin County

Closing by Sponsor:

01:02:18 Rep. Monforton

HEARING ON HB 135

Opening Statement by Sponsor:

01:03:46 Rep. Jennifer Eck (D), HD 79, opened the hearing on HB 135, Revise parole criteria laws.

[EXHIBIT\(juh10a01\)](#)

Proponents' Testimony:

[EXHIBIT\(juh10a02\)](#)

[EXHIBIT\(juh10a03\)](#)

01:06:31 Francis Clinch, Montana Department of Health and Human Services (DPHHS)

Opponents' Testimony: None

Informational Testimony:

01:08:59 Timothy Allred, Executive Director, Board of Pardons and Parole (BOPP)

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:09:32 Rep. Eck

HEARING ON HB 195

Opening Statement by Sponsor:

01:09:56 Rep. Nate McConnell (D), HD 89, opened the hearing on HB 195, Revise pretrial diversion laws.

[EXHIBIT\(juh10a04\)](#)

[EXHIBIT\(juh10a05\)](#)

Proponents' Testimony:

01:15:57 John MacDonald, City of Missoula

01:16:35 Larry Epstein, Montana County Attorneys Association (MCAA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:20:02 Rep. Wagoner
01:20:35 Rep. McConnell
01:21:06 Rep. Hill left the meeting.
01:21:10 Rep. Monforton
01:21:40 Rep. McConnell

Closing by Sponsor:

01:22:33 Rep. McConnell

01:22:58 Chair J. Bennett

01:23:14 Recessed
01:39:39 Reconvened

EXHIBIT(juh10a06)

01:39:39 Rep. Hill absent.
01:39:40 Chair J. Bennett

EXECUTIVE ACTION ON HB 71

01:39:50 **Motion:** Rep. Doane moved that **HB 71 DO PASS.**

Discussion:

01:40:07 Rep. MacDonald
01:40:32 Chair J. Bennett
01:40:41 Helen Thigpen, LSD
01:41:41 Chair J. Bennett

01:41:46 **Motion:** Rep. Court moved that **HB 71 BE AMENDED.**

EXHIBIT(juh10a07)

Discussion:

01:42:01 Helen Thigpen, LSD
01:42:38 Rep. Wagoner
01:42:51 Helen Thigpen, LSD

01:44:00 **Vote:** Motion carried 17-3 by voice vote with Rep. Fiscus, Rep. Laszloffy and Rep. Manzella voting no. Rep. Fiscus and Rep. Kelker voted by proxy. Rep. Hill was excused.

01:44:31 Rep. Hess

01:44:53 **Motion:** Rep. Doane moved that **HB 71 DO PASS AS AMENDED.**

Discussion:

01:45:05 Rep. MacDonald
 01:49:30 Rep. Hill rejoined the meeting.
 01:46:02 Helen Thigpen, LSD
 01:46:24 Rep. Court
 01:46:53 Helen Thigpen, LSD
 01:47:25 Rep. Wagoner
 01:47:52 Rep. McConnell
 01:49:46 Rep. Regier
 01:50:30 Rep. McConnell
 01:51:28 Rep. Regier
 01:51:57 Rep. McConnell
 01:52:39 Rep. Regier
 01:52:57 Rep. McConnell
 01:53:15 Rep. Manzella
 01:53:42 Rep. MacDonald
 01:54:39 Chair J. Bennett
 01:54:56 Wade Zolynski, Chief Appellate Defender, Office of the Appellate Defender,
 Office of the State Public Defender (OPD)
 01:57:27 Rep. Eck
 01:58:00 Wade Zolynski, OPD
 01:58:47 Rep. Wagoner
 01:59:37 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill,
 Rep. Kelker, Rep. Laszloffy, Rep. MacDonald, Rep. McConnell, Rep. Meyers,
 Rep. Pease-Lopez and Rep. Perry voting aye. Rep. Fiscus and Rep. Kelker
 voted by proxy.
 02:01:12 **Motion/Vote:** Rep. Doane moved that **HB 71 BE TABLED**. Motion carried
 unanimously by voice vote. Rep. Fiscus and Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 74

02:01:41 **Motion:** Rep. Doane moved that **HB 74 DO PASS**.

Discussion:

02:01:47 Helen Thigpen, LSD
EXHIBIT(juh10a08)
 02:03:02 Rep. Hill
 02:03:36 Chair J. Bennnett
 02:03:40 Rep. Hill
 02:03:53 Helen Thigpen, LSD
 02:03:57 **Motion:** Rep. Hill moved that **HB 74 BE AMENDED**.

Discussion:

02:04:04 Helen Thigpen, LSD
 02:07:46 Rep. Regier
 02:08:01 Helen Thigpen, LSD

- 02:08:26 Rep. McConnell
02:09:47 Rep. Hill
02:10:26 Rep. MacDonald
02:11:05 Chair J. Bennett
02:11:30 Rep. Eck
02:11:47 Rep. Hill
02:11:55 Rep. Wagoner
02:12:07 Rep. Hess
- 02:12:30 **Vote:** Motion carried 20-1 by voice vote with Rep. Eck voting no. Rep. Fiscus and Rep. Kelker voted by proxy.
- 02:13:32 **Motion:** Rep. Doane moved that **HB 74 DO PASS AS AMENDED.**
- 02:13:40 **Motion:** Rep. MacDonald moved that **HB 74 BE AMENDED.**
- Discussion:**
02:14:34 Chair J. Bennett
02:14:42 Helen Thigpen, LSD
02:15:43 Rep. McConnell
02:15:59 Helen Thigpen, LSD
02:16:36 Chair J. Bennett
- 02:16:58 **Vote:** Motion carried 19-2 by voice vote with Rep. Doane and Rep. Fiscus voting no. Rep. Fiscus and Rep. Kelker voted by proxy.
- 02:17:45 **Motion:** Rep. Doane moved that **HB 74 DO PASS AS AMENDED.**
- Discussion:**
02:17:59 Rep. Doane
- 02:18:37 **Vote:** Motion carried 12-9 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Manzella, Rep. Monforton, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting no. Rep. Fiscus and Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 100

- 02:20:05 **Motion:** Rep. Doane moved that **HB 100 DO PASS.**
- Discussion:**
02:20:23 Helen Thigpen, LSD
02:21:37 Rep. Monforton
- 02:22:47 **Vote:** Motion carried 17-4 by roll call vote with Rep. J. Bennett, Rep. Doane, Rep. Fiscus and Rep. Pinocci voting no. Rep. Fiscus and Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 106

02:24:16 **Motion:** Rep. Doane moved that **HB 106 DO PASS.**

02:24:28 **Motion:** Rep. MacDonald moved that **HB 106 BE AMENDED.**
EXHIBIT(juh10a09)

Discussion:

02:25:32 Rep. Doane

02:25:59 Rep. MacDonald

02:26:26 **Vote:** Motion carried 20-1 by voice vote with Rep. Doane voting no. Rep. Fiscus and Rep. Kelker voted by proxy.

02:27:15 **Motion:** Rep. MacDonald moved that **HB 106 DO PASS AS AMENDED.**

Discussion:

02:27:28 Rep. Pease-Lopez

02:28:07 Rep. MacDonald

02:30:05 Rep. Laszloffy

02:31:04 Rep. Doane

02:32:40 Rep. Wagoner

02:33:36 **Vote:** Motion failed 9-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Monforton, Rep. Pease-Lopez and Rep. Person voting aye. Rep. Fiscus and Rep. Kelker voted by proxy.

02:34:33 **Motion/Vote:** Rep. Doane moved that **HB 106 BE TABLED.** Motion carried unanimously by voice vote. Rep. Fiscus and Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 141

02:35:10 **Motion:** Rep. Doane moved that **HB 141 DO PASS.**

Discussion:

02:35:24 Helen Thigpen, LSD

02:35:50 Rep. McConnell

02:36:58 Chair J. Bennett

02:37:24 Helen Thigpen, LSD

02:37:52 Rep. Wagoner

02:38:51 Rep. Monforton

02:39:30 Rep. Pease-Lopez

02:39:58 Rep. MacDonald

02:40:28 Rep. Pease-Lopez

02:40:52 Rep. MacDonald

02:41:08 Rep. Monforton

02:41:40 Rep. McConnell

02:42:39 Rep. Doane

02:42:53 Helen Thigpen, LSD
02:43:01 Rep. Doane
02:43:13 Helen Thigpen, LSD

02:43:50 **Vote:** Motion carried 20-1 by roll call vote with Rep. Wagoner voting no. Rep. Fiscus and Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 142

02:45:15 **Motion:** Rep. Doane moved that **HB 142 DO PASS**.

Discussion:

02:45:22 Helen Thigpen, LSD
[EXHIBIT\(juh10a10\)](#)

02:46:00 **Motion:** Rep. Court moved that **HB 142 BE AMENDED**.

Discussion:

02:46:17 Rep. Doane
02:46:36 Rep. MacDonald
02:47:02 Rep. Court

02:47:46 **Vote:** Motion carried unanimously by voice vote. Rep. Fiscus and Rep. Kelker voted by proxy.

02:48:12 **Motion:** Rep. Doane moved that **HB 142 DO PASS AS AMENDED**.

Discussion:

02:48:27 Rep. Wagoner
02:49:30 Rep. McConnell
02:49:53 Rep. Eck

02:50:11 **Vote:** Motion failed 1-20 by voice vote with Rep. MacDonald voting aye. Rep. Fiscus and Rep. Kelker voted by proxy.

02:50:58 **Motion/Vote:** Rep. Doane moved that **HB 142 BE TABLED**. Motion carried 19-0 by voice vote. Rep. Fiscus and Rep. Kelker were excused.

EXECUTIVE ACTION ON HB 28

02:51:28 **Motion:** Rep. Eck moved **TO REQUEST A NEW FISCAL NOTE FOR HB 28.**

Discussion:

02:54:14 Rep. Wagoner

02:54:25 Rep. Regier left the meeting.

02:54:42 **Vote:** Motion carried 20-0 by voice vote. Rep. Fiscus and Rep. Kelker voted by proxy. Rep. Regier was excused.

EXECUTIVE ACTION ON HB 133

02:55:13 **Motion:** Rep. MacDonald moved that **HB 133 BE TAKEN FROM TABLE.**

Discussion:

02:55:30 Chair J. Bennett

02:55:34 Rep. MacDonald

02:55:53 Rep. Meyers left the meeting.

02:56:22 Chair J. Bennett

02:56:29 Rep. Doane

02:56:32 Rep. MacDonald

02:57:40 **Vote:** Motion carried 10-7 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Hess, Rep. Laszloffy, Rep. Manzella and Rep. Pinocci voting no.

02:59:22 Chair J. Bennett

ADJOURNMENT

Adjournment: 02:59:58

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh10aad.pdf](#))