



## Law and Justice Interim Committee

---

### 64th Montana Legislature

#### SENATE MEMBERS

SCOTT SALES--Chair  
DIANE SANDS--Vice Chair  
DOUG KARY  
SUE MALEK  
MARY SHEEHY MOE  
NELS SWANDAL

#### HOUSE MEMBERS

JENNY ECK  
ELLIE BOLDMAN HILL  
SARAH LASZLOFFY  
STEVE LAVIN  
DALE MORTENSEN  
CAROLYN PEASE-LOPEZ

#### COMMITTEE STAFF

RACHEL WEISS, Lead Staff  
JULIANNE BURKHARDT, Staff Attorney  
LAURA SHERLEY, Secretary

## Agenda

June 28, 2016

8:30 a.m.

State Capitol, Room 102

Please note: All times are tentative. Some items may take more or less time than scheduled.

- 8:30 a.m. Call to Order -- Roll Call -- Senator Scott Sales, Presiding Officer
- 8:35 a.m. Committee Issue: Update on the Commission on Sentencing and the Task Force on State Public Defender Operations
- Senator Cynthia Wolken -- Commission presiding officer (via telephone)
  - Representative Kimberly Dudik -- Task Force presiding officer
  - Questions from the committee
  - Public comment\*
- 9:00 a.m. Committee Issue: Differences in Offender Programming at MSP and at Private or Regional Prisons
- Gayle Lambert, Administrator, Montana Correctional Enterprises
  - Warden Douglas Fender, Crossroads Correctional Center
  - Questions from the committee
  - Public comment\*
- 10:00 a.m. Committee Issue: Overview of Attorney Fees and Court Costs
- Rachel Weiss, Research Analyst, Legislative Services Division (LSD)
  - Chris Manos, Executive Director, State Bar of Montana
  - Questions from the committee
  - Public comment\*
- 10:30 a.m. BREAK
- 10:45 a.m. SJ 24: Review of Preliminary Draft Legislation
- Overview of draft legislation -- Julianne Burkhardt and Rachel Weiss, LSD
    - [LCIj01](#) -- Revision of consent definition; create aggravated SIWOC crime
    - [LCIj02b](#) -- Unlawful distribution of sexual images or recordings

(incorporated into 45-8-213, MCA)

- LCIj03 -- Revision of mandatory minimums for statutory rape; 18 year olds do not have to register as sex offenders
  - LCIj03a -- No registration as sex offenders for 18 year olds convicted of statutory rape
  - LCIj03b -- Provides maximum penalty for 18 year old convicted of statutory rape
  - LCIj04 -- Elimination of statute of limitations for sex crimes perpetrated against victims under the age of 18
  - LCIj05 -- Revise juvenile sex offender registry requirements
  - LCIj06 -- Revise sexual assault and parental rights laws
- Questions from the committee
- Public comment on the drafts\*

Noon LUNCH

1:00 p.m. Agency Oversight: Agency Legislative Proposals

→ Background -- Rachel Weiss, LSD

Order

- Agency presentation
  - Questions from the committee
  - Public comment\*
  - *Possible Action Item:* Authorize drafting of agency proposal(s)
- Judicial Branch
- Department of Justice
- Department of Corrections
- Office of the Public Defender
- Board of Crime Control
- POST Council
- Board of Pardons and Parole - none

2:30 p.m. Committee Issue: Eyewitness Identification -- POST Council survey update

→ Perry Johnson, Executive Director, POST Council

→ Questions from the committee

→ Public comment\*

2:45 p.m. Committee Issue: Innocence Commissions in Other States

→ Rachel Weiss, LSD

→ Questions from the committee

→ Public comment\*

3:00 p.m. BREAK

- 3:15 p.m. Agency Oversight: Administrative Rule Review
- Julianne Burkhardt, LSD
  - Questions from the committee
  - Public comment\*
- 3:20 p.m. Public comment on any item within LJIC jurisdiction but not on this agenda\*
- 3:30 p.m. Committee Work Session
- Review of required or requested August agenda items
  - Committee recommendations on keeping or elimination reports or advisory councils/commissions?
  - SJ 24 study of sexual assault
    - directions to staff on revisions to existing drafts?
    - requests for additional bill draft language?
    - other directions to staff for information or presentations?
  - Other requests for draft legislation?
  - Other requests for August agenda items?
  - Other discussion and/or directions to staff?
  - Final meeting: Monday, August 22
- 4:15 p.m. Adjourn

\*Public comment provided in person to the committee is a public record that is videotaped, archived, and available on the Internet. Public comment submitted in writing at a committee meeting is a public record that will be posted to the legislative Web site as part of the minutes log for the committee meeting.

---

The Montana Legislative Services Division will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting. For questions about accessibility or to request accommodations, please contact Lenore Adams at 406-444-4456 or leadams@mt.gov as soon as possible before the meeting date.

CI0106 6166rwx.