



PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

## Law and Justice Interim Committee

---

### 65th Montana Legislature

#### SENATE MEMBERS

DIANE SANDS--Chair  
JEN GROSS  
MARGARET (MARGIE) MACDONALD  
KEITH REGIER  
SCOTT SALES  
NELS SWANDAL

#### HOUSE MEMBERS

JIMMY PATELIS--Vice Chair  
JESSICA KARJALA  
GEORGE KIPP III  
RYAN LYNCH  
LOLA SHELDON-GALLOWAY  
BARRY USHER

#### COMMITTEE STAFF

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

# MINUTES LOG

March 19, 2018  
Board of Oil and Gas Conference Room  
Billings, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

#### **COMMITTEE MEMBERS PRESENT**

REP. JIMMY PATELIS, Vice Chair

SEN. JEN GROSS  
SEN. MARGARET (MARGIE) MACDONALD  
SEN. KEITH REGIER  
SEN. SCOTT SALES

REP. JESSICA KARJALA  
REP. GEORGE KIPP III  
REP. RYAN LYNCH  
REP. LOLA SHELDON-GALLOWAY

#### **COMMITTEE MEMBERS EXCUSED**

SEN. DIANE SANDS, Chair  
SEN. NELSWANDAL  
REP. BARRY USHER

## **STAFF PRESENT**

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

## **VISITORS' LIST (Attachment 1)**

## **AGENDA (Attachment 2)**

### **CALL TO ORDER AND ROLL CALL**

00:00:01 Rep. Patelis called the meeting to order at 8:33 a.m. The committee secretary took roll ([Attachment 3](#)). Rep. Usher was excused and left his proxy with Rep. Patelis ([Attachment 4](#)).

### **MEETING OVERVIEW -- Rachel Weiss, Legislative Services Division, LSD**

00:01:07 Ms. Weiss gave a brief review of administrative matters.  
00:01:53 Rep. Patelis reminded the public to sign in on the visitor's list.

### **ADMINISTRATIVE RULE REVIEW -- Julianne Burkhardt, Staff Attorney, LSD**

00:02:29 Ms. Burkhardt reviewed the administrative rule updates as they relate to the committee ([Exhibit 1](#)).

### **Public comment**

None

## **COUNTY ATTORNEYS' PERSPECTIVES AND LEGISLATIVE PRIORITIES**

**Jed Fitch, Beaverhead County Attorney**  
**Scott Twito, Yellowstone County Attorney**  
**Bill Fulbright, Ravalli County Attorney**  
**Wyatt Glade, Custer County Attorney**  
**Marty Lambert, Gallatin County Attorney**

00:04:24 Mr. Fitch ([Exhibit 2](#))  
00:05:59 Mr. Twito ([Exhibit 3](#), staff was unable to obtain a copy of the document used in the presentation)  
00:11:12 Mr. Fitch introduced Mr. Fulbright.  
00:11:20 Mr. Fulbright  
00:14:06 Mr. Fitch introduced Mr. Glade.  
00:14:20 Mr. Glade ([Exhibit 4](#))  
00:18:03 Mr. Fitch introduced Mr. Lambert.  
00:18:15 Mr. Lambert  
00:21:41 Mr. Fitch

### **Questions from the committee**

00:21:56 Sen. Gross asked Mr. Twito what treatments are available for DUI re-offenders.  
00:24:55 Rep. Karjala asked Mr. Lambert to provide the calculations used to justify the increase in victim services fees.  
00:27:29 Rep. Karjala commented on the funding to notify family and friends of victims when an offender is released. Mr. Fitch responded to Rep. Karjala's comments.

00:29:22 Sen. MacDonald asked Mr. Lambert to speak on the mechanisms available to assist offenders who may not have the resources to pay fees.

00:31:52 Sen. MacDonald asked Mr. Lambert how widely used is the financial hardship provision. Mr. Twito and Mr. Fulbright also answered the question.

00:38:53 Sen. MacDonald asked the panel if they have considered the availability of drug treatment courts.

00:45:50 Sen. MacDonald commented on the issue of drug treatment costs and the availability of drug treatment courts.

00:46:26 Sen. Regier asked Mr. Twito for the number of statewide DUI re-offenders.

00:47:09 Sen. Regier asked Mr. Twito how his bill draft proposal will protect citizens.

00:47:34 Sen. Regier asked Mr. Lambert to provide examples of critical services.

00:51:08 Rep. Kipp asked Mr. Twito to speak on extending an offender's sentence versus the cost of rehabilitation.

00:54:41 Rep. Kipp asked Mr. Fulbright to speak on crimes against children and victim protection.

00:57:33 Rep. Sheldon-Galloway asked Mr. Twito if there is a treatable common factor for DUI re-offenders.

01:01:09 Rep. Sheldon-Galloway asked Mr. Twito to clarify his proposed bill language regarding DUI re-offenders. Mr. Glade and Mr. Fitch also responded to the question.

01:05:23 Rep. Patelis commented the legislative intent behind HB 133 (2017), *Generally revise sentencing laws*, and asked Mr. Glade about increased supervision in the pretrial diversion program and involving the pretrial services advisory group.

#### **Public comment**

01:11:43 May Simmons, Lake County

01:18:18 Janee Weber, self

#### **SJ 25 STUDY OF SOLITARY CONFINEMENT: INITIAL REVIEW OF OTHER STATES' EFFORTS TO REDUCE THE USE OF SOLITARY CONFINEMENT -- Rachel Weiss, LSD**

01:23:25 Ms. Weiss updated the committee on the SJ 25 study work ([Exhibit 5](#)), ([Exhibit 6](#)), ([Exhibit 7](#)), ([Exhibit 8](#)), and ([Exhibit 9](#)).

#### **Questions from the committee**

01:38:55 Rep. Sheldon-Galloway asked if the state had a system that reviews placements in restricted housing.

01:40:33 Rep. Sheldon-Galloway asked for clarification of available funding for a review system.

01:41:37 Sen. Regier asked if other states are researching behavioral modification and different degrees of solitary confinement and if any other states have removed solitary confinement.

01:43:38 Sen. Regier asked for clarification of Nevada's SB 402 (2017) (see Exhibit 6, page 2).

01:44:22 Sen. Regier asked for clarification of the connection between the murder of Director Tom Clements and restricted housing in Colorado ([Exhibit 10](#)).

01:46:07 Sen. Sales joined the meeting at 10:19 a.m.

01:46:20 Rep. Karjala asked who determines offenders are mentally ill (see Exhibit 10, page 5).

### **Public comment**

01:47:38 Brian Gootkin, Gallatin County Sheriff  
01:50:15 Ms. Weiss made a clarifying comment on her presentation.  
01:50:46 May Simmons, Lake County

**BREAK** (Reconvened at 10:44 a.m.)

### **AGENCY OVERSIGHT: DEPARTMENT OF CORRECTIONS (DOC)**

**Director Reginald D. Michael**  
**Adrienne Cotton, Government Relations Director**  
**Pat Schlaugh, Accounting Bureau Administrator**  
**Kurt Aughney, Quality Assurance Director**

02:12:35 Director Michael introduced the DOC staff and updated the committee on the department's work.

### **Questions from the committee**

02:29:51 Sen. Regier asked Director Michael how jail numbers decreased. Ms. Cotton also responded to the question.  
02:33:48 Sen. Regier asked if the number of inmates that were paroled but waiting release has decreased since reported during the 2017 session.  
02:35:57 Rep. Sheldon-Galloway asked Director Michael to speak on the boarding process of federal and state inmates in the Cascade County jail.  
02:38:55 Rep. Sheldon-Galloway asked what comments from the DOC can the legislators use to assure citizens of their safety.  
02:42:47 Rep. Sheldon-Galloway asked how the legislature may help to expand DOC facilities to accept the growing population of offenders with mental illness.  
02:44:54 Rep. Lynch commented on the issue of PREA and the audit report and thanked Director Michael for his work.  
02:45:37 Rep. Kipp asked Director Michael to speak to the daily cost of women's prison beds. The question was answered by Mr. Aughney.  
02:48:26 Rep. Kipp asked for clarification of women's prison bed costs and if the cost includes medical costs.  
02:49:08 Rep. Kipp asked for clarification on the cost of contracting in the private sector rather than the state sector.  
02:50:36 Rep. Kipp asked for clarification of the cost of beds in a private facility.  
02:51:28 Rep. Kipp commented on the state cost of beds per day in various state facilities versus private contracted facilities and asked how many DOC staff are Native American.  
02:56:26 Rep. Kipp commented on the boot camp transformation into a treatment center.  
02:56:51 Rep. Patelis commented on jail populations and asked for clarification of the proposals sent out regarding SB 65 (2017), *Generally revise laws regarding housing options for offenders*.  
02:59:12 Rep. Patelis asked for an update on the Board of Crime Control RFP status.  
03:00:10 Rep. Patelis asked which county withdrew from the proposal.  
03:00:27 Rep. Patelis commented his concern of the counties that did submit a proposal.

### **Public comment**

03:02:28 May Simmons, Lake County ([Exhibit 11](#))  
03:07:42 Terry Todd, Ignatius House, Billings ([Exhibit 12](#))

03:10:52 Brian Gootkin, Gallatin County Sheriff  
03:12:24 Janee Weber  
03:17:04 Brian Caswel

**TOUR OVERVIEWS -- Rachel Weiss, LSD**

03:21:39 Ms. Weiss gave a brief overview of the planned committee tours ([Exhibit 13](#)).

**PUBLIC COMMENT ON ANY OF THE TOURS FROM MONDAY OR TUESDAY**

None

**RECESS FOR TOURS**

03:23:15 Rep. Patelis recessed the meeting at 11:56 a.m. to reconvene at 4:00 p.m. on March 20, 2018, at the Montana Board of Oil and Gas Conference Room, Billings, Montana. The committee attended tours at the Ted Lechner Youth Services Center and the Montana Women's Prison.

CI0106 809413xa