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LAW AND JUSTICE INTERIM COMMITTEE
67th Montana Legislature

SENATE MEMBERS

Bryce Bennett
John Esp
Steve Fitzpatrick
Jen Gross
Keith Regier
Diane Sands

HOUSE MEMBERS

Robert Farris-Olsen
Frank Fleming
Kathy Kelker
Casey Knudsen
Jasmine Krotkov
Barry Usher

COMMITTEE STAFF

Julianne Burkhardt - Attorney
Laura Sherley - Secretary
Rachel Weiss - Research
Analyst

MINUTES LOG

January 27, 2020

10:01 AM

Room 102, State Capitol

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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

COMMITTEE MEMBERS PRESENT

Rep. Barry Usher, Chair (R)
Sen. Jen Gross, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. John Esp (R)
Rep. Robert Farris-Olsen (D)
Rep. Frank Fleming (R)
Rep. Kathy Kelker (D)

Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)
Sen. Keith Regier (R)
Sen. Diane Sands (D)

COMMITTEE MEMBERS EXCUSED

Sen. Steve Fitzpatrick (R)

STAFF PRESENT

Julianne Burkhardt, Attorney
Veronica Sullivan, Secretary
Rachel Weiss, Research Analyst

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

CALL TO ORDER AND ROLL CALL

10:01:15 Rep. Usher called the meeting to order. The committee secretary took roll. All members were present, except Sen. Fitzpatrick who was excused.

AGENCY OVERSIGHT: DEPARTMENT OF CORRECTIONS

10:03:22 Reginald Michael, Department of Corrections Director
10:17:46 Kevin Olson, Administrator of the Probation and Parole Division (PPD)
10:19:39 **(Exhibit 1)**
10:24:28 Katie Donath, Eastern Bureau Chief, PPD (See Exhibit 1)

Committee Questions/Committee Discussion

10:27:25 Rep. Krotkov asked Ms. Donath about the level designation on the MIIG (Montana Interventions and Incentives Grid).
10:28:40 Rep. Krotkov asked Ms. Donath about the risk assessment.
10:29:26 Rep. Kelker asked Ms. Donath about the level 2 assessments.
10:30:30 Rep. Fleming asked Ms. Donath about the jail sanction and the PPD sanction.
10:31:13 Rep. Fleming asked Ms. Donath about the sanction phase.
10:32:00 Ms. Donath continued with her presentation.
10:33:53 Sen. Gross asked Ms. Donath about changes that were made to the MIIG.
10:35:26 Sen. Gross asked Ms. Donath if the offenders are updated as changes are made to the MIIG.
10:36:41 Rep. Regier asked Ms. Donath about jail time for parole violations.
10:38:07 Rep. Usher asked about reimbursement of the county.
10:38:27 Rep. Kelker asked Ms. Donath if officers have discretion.
10:40:28 Rep. Knudsen asked Ms. Donath about the sex offender grid. (see exhibit 1)
10:42:06 Sen. Bennett asked Ms. Donath asked about how to decide what incentives and interventions to use.
10:44:03 Sen. Bennett asked Ms. Donath how immediate the interventions and incentives need to be.

10:44:59 Sen. Bennett asked Ms. Donath about the system used to track the interventions and incentives.
10:47:57 Sen. Bennett asked Ms. Kim Lahiff, Western Bureau Chief, (PPD), about access to the system.
10:49:39 Sen. Sands asked Mr. Olson about sexual prohibitions.
10:50:27 Sen. Sands asked Mr. Olson about Hep C testing.
10:50:59 Sen. Regier asked Mr. Olson about parole violations by county.
10:54:08 John Daugherty, Administrative Services Division Administrator, DOC
10:56:24 **(Exhibit 2) (Exhibit 3) (Exhibit 4)**
11:09:40 Sen. Sands asked Mr. Daugherty about the sanction changes.
11:10:36 Sen. Sands asked Mr. Daugherty a follow up about the changes.
11:13:24 Sen. Sands asked Mr. Daugherty about the effectiveness of the program.
11:14:56 Rep. Knudsen asked Mr. Daugherty about a graph of the offender population by crimes committed.
11:16:01 Rep. Krotkov asked Mr. Daugherty about highlighted descriptions on exhibits 3 and 4. (see exhibit 3 and 4)
11:17:22 Rep. Kelker asked Mr. Daugherty about treatment capacity in the counties.

Public comment

11:21:48 Jackie Jones, Montana County Attorneys Association
11:28:54 Laurie Little Dog, self
11:33:45 Randall Knowles, self
11:36:25 Bart Crabtree, self
11:37:24 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association.

Committee Questions/Committee Discussion

11:40:30 Rep. Farris-Olsen asked Mr. Daugherty about Native American releases.
11:41:23 Rep. Farris- Olsen asked Mr. Daugherty about Native American populations on release.
11:42:14 Rep. Farris-Olsen asked Mr. Daugherty about percentage differences.
11:42:42 Rep. Kelker asked Mr. Olson about the training for parole officers.
11:44:23 Rep. Kelker asked Mr. Olson about having a designated person for training.
11:45:26 Rep. Kelker asked. Mr. Olson about the retention rate of parole officers.
11:46:24 Sen. Regier asked Mr. Olson about technical violation increases.
11:47:12 Rep. Knudsen asked Mr. Olson about the average case load for probation officers.
11:48:14 Sen. Bennett asked Mr. Daugherty about increases in drug offenses per year.
11:49:27 Sen. Sands asked Ms. Jones about underfunding of the system.
11:53:41 Sen. Sands asked Ms. Jones about funding.
11:55:34 Sen. Sands asked Director Michael if the department has done any further research on incentives for what works best for each race and each gender.
11:58:11 Rep. Usher asked Mr. Daugherty about the number of supervising officers.
11:59:36 Rep. Usher asked Mr. Daugherty about tracking data related to probation and parole officers.

LUNCH (Reconvened at 13:01 pm)

AGENCY OVERSIGHT: CRIMINAL INTERDICTION TEAM HISTORY AND WORK

13:02:15 Colonel Tom Butler, Montana Highway Patrol (MHP)
13:03:45 Captain Jim Sanderson, MHP

Public comment

13:23:19 Brian Gootkin, Sheriff of Gallatin County

Committee Questions/Committee Discussion

13:25:45 Rep. Knudsen asked Colonel Butler how many troopers are in the academy.
13:26:36 Rep. Knudsen asked Colonel Butler asked about response times.
13:28:32 Rep. Knudsen asked Colonel Butler about trooper positions.
13:31:14 Rep. Krotkov asked Captain Sanderson about data on contraband.
13:32:31 Rep. Krotkov asked Captain Sanderson if they could compare the data to other states.
13:34:43 Sen. Gross asked Captain Sanderson about the average seizure amount.
13:36:08 Sen. Gross asked Captain Sanderson about other factors present during traffic stops.
13:37:22 Rep. Usher asked Captain Sanderson about decriminalizing marijuana and the effect on drug dogs.
13:39:31 Rep. Usher asked Captain Sanderson about the amount of years the dogs are in service.
13:40:15 Rep. Usher asked Captain Sanderson about time and money put into a dog.
13:42:34 Rep. Usher asked Captain Sanderson about the seizure procedure and how long it takes to get a search warrant.
13:44:53 Rep. Usher asked Captain Sanderson about judges' availability for search warrants.
13:45:56 Sen. Bennett asked Captain Sanderson about warrants.
13:48:56 Sen. Bennett asked Colonel Butler about the communication on search warrants.
13:50:44 Drug dog demonstration
13:53:45 Sen. Gross asked Captain Sanderson how to distinguish when the dog has found the drugs.
13:54:37 Sen. Gross asked Captain Sanderson about the reward system for the dog.
13:55:20 Sen. Regier asked Captain Sanderson about the range in which the dog can smell the drugs.
13:56:07 Sen. Sands asked Captain Sanderson about the cost of the dogs and training.
13:58:08 Rep. Knudsen asked Captain Sanderson about handler bias.
14:00:10 Sen. Gross asked Colonel Sanderson about prison mail and having the drug dogs look at the mail.
14:02:16 Sen. Regier asked Captain Sanderson if the dogs are trained on multiple drugs.
14:03:22 Trooper Wade Palen

AGENCY OVERSIGHT: UPDATE ON HUMAN TRAFFICKING PREVENTION AND INVESTIGATION EFFORTS

14:04:21 Gary Seder, Bureau Chief, Crime Information Bureau, Department of Justice (DOJ)
14:05:28 **(Exhibit 5)**
14:08:15 Sen. Sands asked Mr. Seder about awareness of human trafficking.
14:09:18 Sen. Sands asked Mr. Seder about data tracking.
14:11:09 Sen. Sands asked Mr. Seder about missing and murdered Indigenous women.
14:13:07 Sen. Gross asked Mr. Seder about the operation in Great Falls.

Public comment

14:17:26 Laurie Little Dog, self

Committee Questions/Committee Discussion

14:18:33 Sen. Gross asked Mr. Seder about the long-term healing of survivors of human trafficking.

SJ 19 STUDY OF SEXUAL AND VIOLENT OFFENDER REGISTRIES: CASE LAW OVERVIEW

14:20:39 Julianne Burkhardt, Staff Attorney, Legislative Services Division (LSD) **(Exhibit 6)**.

Committee Questions/Committee Discussion

14:40:38 Rep. Krotkov asked Ms. Burkhardt about the Mount case.
14:41:56 Rep. Kelker asked Ms. Burkhardt about how the cases help with the problems that arise with the registry.
14:44:24 Rep. Kelker asked Ms. Burkhardt about different ways to use the registry.
14:46:08 Sen. Gross asked Ms. Burkhardt about legislative intent in court.
14:47:58 Sen. Sands asked Ms. Burkhardt if there was case law to the constitutional issues.
14:51:09 Rep. Kelker asked Ms. Burkhardt about redefining offenses to match the federal law.
14:52:49 Sen. Regier asked Ms. Burkhardt how many states have both sexual and violent registries.

OVERVIEW OF INTERIM POLL OF LEGISLATORS

14:53:30 Joe Kolman, Director of Environmental Policy Office, LSD **(Exhibit 7)**

BREAK (Reconvened at 15:18 pm)

HJ 31 STUDY OF THE MONTANA BOARD OF CRIME CONTROL (MBCC): UPDATES FROM NOVEMBER MEETING

15:18:49 Rachel Weiss, Research Analyst, LSD **(Exhibit 8)**
15:23:57 Natalia Bowser, Bureau Chief, Crime Control Bureau, DOC **(Exhibit 9)**
15:29:16 Rep. Kelker asked Ms. Bowser about victim support in counties.
15:31:50 Rep. Kelker asked Ms. Bowser if victims have crossovers in programs.
15:32:43 Rep. Usher asked Ms. Bowser about DOC and MBCC reimbursements.
15:33:05 Rep. Usher asked Ms. Bowser about DOC and MBCC working with the same victims.

15:33:58 Rep. Krotkov asked Ms. Bowser about grant programs.
15:36:19 Rep. Kelker asked Rep. Usher about the feedback the MBCC gathered on its draft policies.
15:39:00 Peter Ohman, MBCC Presiding Officer (On telephone).

Public comment

15:42:09 Marty Lambert, Gallatin County Attorney
15:44:41 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association.
15:48:46 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
15:54:20 Brian Gootkin, Sheriff of Gallatin County

Committee Questions/Committee Discussion

15:56:23 Rep. Kelker (**Exhibit 10**)
15:57:44 Sen. Esp asked Ms. Bowser about DOC's victim advocate programs.
15:58:39 Rep. Usher asked Ms. Bowser about getting a copy of the VOCA grant applications that DOC submitted.
15:59:10 Rep. Usher asked Ms. Gilbertson about the Post Council.
16:00:19 Rep. Usher asked Ms. Gilbertson to submit a narrative related to the Post Council.

COMMITTEE ISSUE: UPDATE ON HB 715

16:02:15 Marci Lewandowski, Fiscal Analyst, Legislative Fiscal Division (LFD) (**Exhibit 11**)
16:04:15 Walker Hopkins, Data Analyst, LFD (**Exhibit 12**)

Committee Questions/Committee Discussion

16:05:45 Rep. Kelker asked Mr. Hopkins about expenditures assigned to justice reinvestment.
16:06:43 Rep. Kelker asked Mr. Hopkins about savings.
16:08:27 Rep. Usher asked Mr. Hopkins about the quarterly report percentages.
16:09:31 Sen. Bennett asked Mr. Hopkins about agencies expending more than they are budgeted.
16:11:29 Mr. Hopkins continued with his presentation.
16:15:27 Rep. Kelker asked Mr. Hopkins about adult offender trends.
16:15:57 Sen. Esp asked Mr. Hopkins about the populations (see exhibit 12).
16:20:11 Rep. Krotkov asked Mr. Hopkins about navigating to the graphs (see exhibit 12).
16:22:50 Rep. Usher asked Mr. Hopkins about jail holds
16:23:32 Sen. Sands asked if fiscal staff could come in during session to update the committees.

ADMINISTRATIVE RULE REVIEW

16:25:54 Ms. Burkhardt (**Exhibit 13**)
16:26:58 Sen. Esp asked Ms. Burkhardt about the rules reviewed in the memo
16:28:39 Sen. Reiger asked Ms. Burkhardt about housing assistance percentages.
16:29:59 Rep. Fleming asked Ms. Burkhardt if there was a cap to the housing assistance.

Public comment

16:31:40 Marty Lambert, self
16:32:53 Jeff Baker, self (**Exhibit 14**)
16:36:38 (**Exhibit 15**)

16:36:43

Laurie Little Dog, self

ADJOURNMENT

16:38:33

Rep. Usher adjourned the meeting to reconvene on Tuesday January 28th, 2020, at 8:00 a.m.