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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
Veronica Sullivan - Secretary
Rachel Weiss - Research
Analyst

MINUTES LOG

July 13, 2020
8:00 AM

Capitol Room 152 and Virtual Conference Call

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.

Members Present:

Rep. Barry Usher, Chair (R)
Sen. Jen Gross, Vice Chair (D)
Sen. John Esp (R)
Rep. Robert Farris-Olsen (D)
Sen. Steve Fitzpatrick (R)
Rep. Frank Fleming (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)

Sen. Keith Regier (R)
Sen. Diane Sands (D)

Members Excused:

Sen. Bryce Bennett (D)

Staff Present:

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

COMMITTEE BUSINESS SUMMARY

**AGENCY OVERSIGHT: UPDATE FROM THE BOARD OF PARDONS AND PAROLE (BOPP)
AND THE DEPARTMENT OF CORRECTIONS (DOC)**

08:07:41 Annette Carter, Presiding Officer, BOPP (Exhibit 1).

Committee Questions

- 08:17:05 Sen. Gross asked Ms. Carter a question about BOPP decision making when a potential parolee does not admit guilt.
- 08:19:44 Sen. Gross asked Ms. Carter a follow up about wrongful convictions.
- 08:21:01 Rep. Fleming asked Ms. Carter to elaborate on the parole plans.
- 08:23:31 Rep. Krotkov asked Ms. Carter if there was data from the BOPP on parolees released in the community.
- 08:27:11 Rep. Krotkov asked Ms. Carter about write-ups and parole.
- 08:28:39 Sen. Esp walked into the meeting room.
- 08:29:32 Sen. Sands asked Ms. Carter about the recidivism rates for Native Americans and the barriers they have while on parole.
- 08:35:08 Sen. Sands asked Ms. Carter a follow-up about the Native American population on parole.
- 08:36:28 Rep. Kelker asked Ms. Carter if prisoners have been released because of serious illness.
- 08:40:02 Rep. Kelker asked Ms. Carter about prisoners with serious illness and being released into the care of their families.
- 08:41:54 Director Reginald Michael, DOC (Exhibit 2) (Exhibit 3) (Exhibit 4) (Exhibit 5).

Public Comment

- 08:57:23 Laurie Little Dog, self.
- 09:00:17 Kathy Stewart, self.
- 09:03:42 Josh Butterfly, Project Opening Doors Montana.
- 09:08:35 May Simmons, self.
- 09:12:21 Barb and Al Jenkins, selves.
- 09:14:38 Janee Weber, self.
- 09:17:48 Laurie Pope, reentry panel comment.

Committee Questions

- 09:19:33 Rep. Krotkov asked Director Michael about write-ups used as a retaliation by Correction Officers.
- 09:22:33 Sen. Regier asked Director Michael about the mail issue in the prisons.
- 09:24:45 Rep. Kelker asked Director Michael about testing for Covid-19.
- 09:28:26 Sen. Gross asked Director Michael if they facilities director in the prison could provide the committee with a report on the welded windows.
- 09:30:25 Rep. Usher asked Director Michael about number break downs.

AGENCY OVERSIGHT: DEPARTMENT OF JUSTICE (DOJ) AND THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL (POST COUNCIL)

- 09:32:00 Mike Milburn, Chief of Staff, DOJ.
- 09:38:19 Perry Johnson, POST Council.
- 09:41:29 Bryan Lockerby, Administrator, Division of Criminal Investigation, DOJ

Public Comment

- 09:42:04 Laurie Little Dog, self.
- 09:43:19 May Simmons, self.
- 09:44:43 Nanette Gilbertson, Executive Director, Montana Sheriffs and Peace Officers Association.
- 09:49:15 Shelby DeMars, Montana Police Protective Association.

Committee Questions

- 09:50:52 Kelker asked Mr. Johnson about the POST budget.
- 09:54:43 Rep. Kelker asked Mr. Johnson a follow-up about the POST Council being financially independent.
- 09:57:46 Sen. Regier asked Mr. Johnson about certified disciplines officers can achieve.

BREAK (Reconvened at 10:10 am).

SJ 19 STUDY OF SEXUAL AND VIOLENT OFFENDER REGISTRIES

- 10:12:27 Sheriff Wynn Meehan, Broadwater County.
- 10:19:37 Sheriff Jesse Slaughter, Cascade County.

Committee Discussion/ Committee Questions

- 10:26:48 Rep. Krotkov asked Sheriff Slaughter about public safety and the role of the registries.
- 10:30:11 Rep. Krotkov asked Sheriff Slaughter about the workload of officers and where to invest officers' time.
- 10:43:27 Rep. Kelker asked the sheriffs about the differences in value of the registries.
- 10:51:14 Rep. Kelker asked the sheriffs a follow up about the registries.
- 11:01:51 Sen. Sands discussed goals of these studies and reentry issues for offenders.

REVIEW OF PRELIMINARY BILL DRAFTS

11:20:55 Sen. Regier and Ms. Rachel Weiss, Legislative Services Division (LSD), discussed the bill draft for SJ19-1A (Exhibit 6).

Committee Discussion

11:25:31 Rep. Kelker discussed the bill.
11:27:27 Rep. Kelker discussed SJ19-1B (Exhibit 7).
11:30:25 Ms. Julianne Burkhardt, LSD, clarified the bill.
11:30:45 Sen. Regier asked about the treatment board.
11:32:18 Sen. Sands discussed credentials of the board evaluators.
11:33:10 Rep. Kelker discussed Sen. Sands' suggestions for the bill draft.
11:34:39 Sen. Gross discussed having a standards board.
11:36:12 Sen. Regier discussed the make-up of the board.
11:37:41 Sen. Regier asked Ms. Weiss about sexual offender evaluations.
11:38:45 Sen. Regier asked Rep. Kelker about licensing.
11:40:15 Sen. Regier asked Rep. Kelker about re-certification.
11:40:38 Sen. Regier asked Rep. Kelker about the sex offender evaluator qualifications.
11:41:57 Ms. Weiss clarified the wording in the bill.

LUNCH (Reconvene at 12:30 pm)

COMMITTEE ISSUE: RE-ENTRY CHALLENGES FACING RETURNING INDIVIDUALS

12:33:18 SK Rossi, ACLU of Montana.
12:44:00 Ann Truesdell, President, Montana Chapter of the National Association of Social Workers.
12:52:36 Clemente Arciga, Welcome Back Missoula.
12:59:30 Katie Sorenson.

Committee Discussion/ Committee Questions

13:13:22 Rep. Kelker asked the panel about making the offender feel like a victim.
13:15:11 Mr. Arciga spoke to Rep. Kelker's question.
13:23:47 Sen. Sands asked the panel about the recovery and the reintegration process.
13:33:13 Ms. Truesdell made her closing statements.
13:34:30 Mr. Arciga made his closing statements.
13:36:10 Ms. Sorenson made her closing statements.
13:38:11 SK Rossi made closing statements.

Public Comment

13:39:46 May Simmons, self.
13:43:45 Laurie Pope, self.
13:48:40 Josh Butterfly, self.

13:54:53 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association.
13:59:10 Barb and Al Jenkins, selves.
14:02:54 Rep. Knudsen rejoined the meeting.

SJ 19 STUDY OF SEXUAL AND VIOLENT OFFENDER REGISTRIES

14:14:42 Ms. Weiss introduced SJ 19-2A (Exhibit 8).
14:15:04 Sen. Sands discussed SJ 19-2A.

Committee Discussion/ Committee Questions

14:19:55 Rep. Kelker asked Sen. Sands about provisions for the rights of the victims.
14:22:11 Sen. Regier asked Ms. Weiss for a clarification on the bill.
14:22:57 Sen. Regier asked Ms. Weiss if law enforcement and victims would be able to access the offender information without the registry.
14:24:36 Sen. Regier asked Sen. Sands about adding a violent offender list.
14:25:54 Ms. Burkhardt clarified Sen. Regier's question.
14:27:16 Sen. Sands stated that the offender would still have their crime show up on a background check.
14:28:21 Sen. Esp asked Sen. Sands about partner family member assault.
14:28:56 Sen. Esp asked Sen. Sands a follow-up about partner family member assault.
14:31:17 Rep. Farris-Olsen and Ms. Burkhardt discussed SJ19-2B (Exhibit 9) (Exhibit 10).
14:35:11 Sen. Sands asked Rep. Farris-Olsen about failure to register as an offender.
14:35:58 Ms. Burkhardt discussed SJ19-3 (Exhibit 11).
14:37:52 Sen. Sands clarified what it means to make the registry private.
14:39:54 Rep. Krotkov discussed public information and the data.
14:42:23 Ms. Burkhardt discussed SJ19-5 (Exhibit 12).
14:48:41 Sen. Sands asked about employers and hiring people with criminal history.
14:51:31 Ms. Burkhardt discussed SJ19-6A (Exhibit 13).
14:54:01 Committee discussion on removal of SJ19-6A.
14:54:58 Ms. Burkhardt clarified the differences between SJ19-6A and SJ19-2B.
14:55:58 Sen. Sands discussed merging the bills.
14:56:52 Rep. Farris-Olsen discussed SJ19-2B.
14:58:12 Ms. Weiss discussed SJ19-7 (Exhibit 14).
15:00:33 Sen. Sands further discussed SJ19-7.
15:02:04 Sen. Regier asked Sen. Sands about landlords knowing who is on the registries.
15:02:51 Rep. Krotkov discussed housing and offenders on the registries.
15:04:40 Sen. Regier addressed housing and offenders on the registries.

Public Comment

15:07:05 Chris Quigley, Montana Sex Offender Treatment Association (MSOTA).
15:14:03 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association.

15:16:15 Andy Hudak, MSOTA.
15:21:00 Clemente Arciga, Welcome Back Missoula.
15:22:15 Kelsen Young, Montana Coalition Against Domestic Sexual and Domestic Violence.
15:27:01 Bart Holt, self (Exhibit 15).

HJ 31 STUDY OF THE MONTANA BOARD OF CRIME CONTROL

15:31:47 Sen. Regier discussed HJ 31-1 (Exhibit 16).
15:32:53 Ms. Weiss further discussed HJ 31-1.
15:33:45 Sen. Regier asked Ms. Weiss about section 2 of HJ 31-1.
15:35:15 Sen. Regier asked Ms. Weiss a follow- up about HJ 31-1.
15:36:51 Sen. Regier discussed removal of section 2.
15:37:17 Rep. Usher discussed HJ 31-2 (Exhibit 17).
15:38:05 Sen. Regier asked Rep. Usher about dealing with the courts as opposed to MBCC.
15:39:47 Sen. Gross asked Rep. Usher about a special revenue account.
15:42:00 Sen. Sands discussed HJ 31-3 (Exhibit 18).
15:44:33 Sen. Regier asked Ms. Weiss about the definitions of an offender and victim.

Public Comment

15:45:39 Laurie Little Dog, self.
15:46:42 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence.
15:48:36 May Simmons, self.
15:49:08 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association.

HJ 36 STUDY OF COMPENSATION FOR WRONGFULLY CONVICTED INDIVIDUALS

15:51:19 Ms. Burkhardt discussed HJ 36-1 (Exhibit 19) (Exhibit 20) (Exhibit 21).
16:11:57 Sen. Esp asked Ms. Burkhardt about the first draft of the bill.
16:12:29 Sen. Esp asked Ms. Burkhardt about the new bill draft.
16:13:29 Sen. Esp asked Ms. Burkhardt about attorney experts for these types of cases.
16:14:22 Sen. Esp asked Ms. Burkhardt about the fees.
16:15:14 Sen. Regier asked Ms. Burkhardt about consumer price index adjustments.
16:16:56 Sen. Regier asked Ms. Burkhardt about tuition assistance.
16:17:38 Sen. Regier asked about an accountability board.

Public Comment

16:18:28 Michelle Feldman, Innocence Project (Exhibit 22) (Exhibit 23).
16:20:58 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association.
16:22:58 Patrick Webb, Americans for Prosperity of Montana.

PUBLIC COMMENT* ON ANY ITEM IN THE LJIC'S JURISDICTION BUT NOT ON THE AGENDA

16:23:56 Andy Hudak, MSOTA.
16:28:01 Josh Butterfly, self.
16:30:41 Laurie Little Dog, self.
16:33:02 May Simmons, self.
16:35:23 Lita Pepion, self.

COMMITTEE WORK SESSION

16:37:20 Ms. Weiss discussed the upcoming meeting and what needs to happen this meeting.
16:38:26 Committee discussion on upcoming agency oversight.
16:40:55 Sen. Sands asked Ms. Weiss about agency bills.
16:44:37 Sen. Sands discussed having a day to go over all the preliminary bill drafts.
16:47:49 Rep. Usher discussed interim studies.
16:48:36 Ms. Weiss discussed reviews of interim studies.
16:48:54 Committee discussion on HJ31-1.
16:49:48 Committee discussion on moving forward with HJ 31-2.
16:50:20 Sen. Sands discussed moving forward with HJ 31-3.
16:50:51 Rep. Kelker discussed moving forward with HJ 36-1.
16:51:04 Rep. Farris-Olsen discussed HJ 36-1.
16:52:00 Ms. Burkhardt discussed non-substantive changes on HJ 36-1.
16:52:51 Sen. Sands discussed having staff do non-substantive changes on all bills.
16:53:21 Sen. Regier discussed making adding more information on tuition for HJ 36-1.
16:54:03 Rep. Kelker agreed with Sen. Regier about adding more information on tuition.
16:54:35 Sen. Esp asked if the committee were going to move forward with the bill drafts next meeting.
16:55:21 Sen. Regier suggested combining SJ 19-1A and SJ 19-1B.
16:56:29 Rep. Kelker agreed with Sen. Regier and stated making a more generalized qualification.
16:57:50 Sen. Regier agreed with Rep. Kelker.
16:58:25 Sen. Sands discussed moving forward w SJ 19-2A.
16:59:23 Rep. Farris-Olsen discussed attaching SJ 19-2A and SJ19-2B or withdrawing it.
17:00:38 Rep. Farris-Olsen agreed to work with Ms. Weiss and Sen. Sands on combining the languages of both bills.
17:02:20 Sen. Esp discussed the violent offenses for which people most register.
17:03:10 Sen. Sands discussed the violent offender registry.
17:03:38 Sen. Sands discussed moving forward with SJ19-3.
17:04:16 Rep. Farris- Olsen discussed moving forward with SJ19-5.
17:04:43 Sen. Sands and Rep. Farris-Olsen discussed moving forward with SJ19-6A.
17:06:05 Sen. Sands discussed moving forward with SJ 19-7.

17:07:40 Rep. Usher made closing remarks about having a short meeting before the final interim meeting.

ADJOURNMENT

17:08:47 With no further business before the committee, Chair Usher adjourned the meeting at 5:08 p.m.

Additional Handouts:

Public Comment 1

Public Comment 2

SJ 19 Comment

Rental Voucher Information

Public Comment 3

Follow Up Information from May 29th Meeting:

Public Safety Assessment

Pretrial Risk Assessment tools

Handling Intimate Partner Violence Cases

Pretrial Advisory Committee

State Standards for Domestic Violence Perpetrator Treatment

Evidence-Based Practice with Domestic Violence Perpetrators

Offenders Effectiveness of Domestic Violence Treatment Programs

Department of Corrections Response