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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

June 12, 2020
8:04 AM

Video 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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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)
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)

Staff Present:

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

Committee Business Summary

The committee:

- instructed staff to revise SJ19-1 with Sen. Regier and Rep. Kelker;
- agreed to withdraw SJ19-4 from consideration at future meetings;
- requested additional drafts for the SJ 19 study; and
- asked for an update on COVID-19 from the Department of Corrections prior to the July 13 meeting.

AGENCY OVERSIGHT: BOARD OF PARDONS AND PAROLE UPDATE (BOPP)

08:07:31 Annette Carter, Presiding Officer, BOPP (Exhibit 1) (Exhibit 2).

Public Comment

08:23:00 May Simmons, Self.
08:29:30 Kathy Stewart, Self.
08:35:17 SK Rossi, ACLU of Montana.
08:38:47 Laurie Little Dog, Self (Exhibit 3).

Committee Questions/ Discussion

08:42:30 Rep. Kelker asked Ms. Carter how many people are waiting for hearings.
08:45:03 Rep. Kelker asked Ms. Carter about other factors that are deterring people who have not had hearings.
08:46:47 Rep. Kelker asked Ms. Carter about parole packets.
08:48:17 Sen. Sands discussed the Department of Corrections' testing of people in the women's prison.
08:49:28 Sen. Sands asked Ms. Carter about programs for parolees.
08:54:51 Sen. Sands asked Ms. Carter a follow up about the programs and backlogs.
08:58:48 Sen. Sands asked Rep. Usher about getting a discussion with the DOC and BOPP about programming bottlenecks.
08:59:12 Rep. Fleming asked Ms. Carter about percentages of inmates in each category of the parole process.
09:01:26 Rep. Fleming asked Ms. Carter if there could be more information on why people are not granted parole.
09:02:08 Rep. Fleming asked Ms. Carter about inmates' access to housing while on parole.
09:03:56 Rep. Fleming asked Ms. Carter a follow up about housing.
09:05:18 Rep. Farris-Olsen asked Ms. Carter about executive clemency hearings.
09:10:56 Rep. Farris-Olsen asked Ms. Carter if the pardons are granted.
09:11:38 Sen. Gross asked Ms. Carter about write ups and if that can deter a person from getting parole.

- 09:14:25 Sen. Gross asked Ms. Carter a follow up about write ups.
09:15:54 Sen. Esp asked Ms. Weiss if she could get information about Mr. Harvey who was supposed to be released. (Exhibit 4).

SJ 19 STUDY OF SEXUAL AND VIOLENT OFFENDER REGISTRIES

Violent Offender Focus Group Results

- 09:19:51 Jana Staton, PhD, LCPC (Exhibit 5) (Exhibit 6).

Victims' Perspectives

- 09:33:02 Derek VanLuchene, President/Founder, Ryan United.
09:43:37 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV) (Exhibit 7) (Exhibit 8) (Exhibit 9) (Exhibit 10).

Overview of registry data

- 09:54:58 Madison Mattioli, Montana Department of Justice (DOJ) (Exhibit 11) (Exhibit 12) (Exhibit 13) (Exhibit 14) (Exhibit 15).
10:05:52 Jamie Lavinder, DOJ.

BREAK (Reconvened at 10:26).

INTRODUCTION OF SJ 19 STAKEHOLDERS

- 10:26:30 Commander Josh Buls, Detective Commander, Flathead County Sheriff's Office.
10:27:21 Andy Hudak, LCPC, Legislative Chair, Montana Sex Offender Treatment Association (MSOTA).
10:27:45 Chris Quigley, LCSW, President, MSOTA.
10:28:39 Marty Lambert, Gallatin County Attorney.

Committee Questions/ Discussion

- 10:29:25 Rep. Kelker asked Ms. Young about the time it takes to post information about sex offenders to the offender list.
10:36:19 Rep. Kelker asked Mr. VanLuchene about sex offender licensing boards and managing cases.
10:39:09 Rep. Kelker asked Mr. VanLuchene a follow up about the sex offender assessments.
10:51:05 Sen. Sands discussed public safety, victim rights, reentry needs, and reducing unnecessary regulations and costs and asked Mr. Lambert to add input.
11:07:55 Rep. Kelker asked Ms. Mattioli and Ms. Lavinder about time frames.
11:09:24 Sen. Sands asked about the registry timeline stipulations.
11:15:05 Sen. Sands asked a follow up about the registry.
11:16:02 Mr. Lambert and Mr. Hudak added input to Sen. Sand's questions.
11:20:35 Rep. Farris-Olsen asked Ms. Mattioli about her office's prosecution position on the sex offenders' failure to register.
11:21:49 Rep. Farris-Olsen asked Ms. Mattioli about how county attorneys charge sex offenders with failure to register.

11:23:08 Sen. Regier asked Ms. Mattioli about sex offenders on each tier.
11:28:04 Rep. Kelker asked about the reentry program.
11:33:45 Mr. Quigley made his closing remarks.
11:35:52 Mr. Hudak made his closing remarks (Exhibit 16).
11:39:14 Mr. VanLuchene made his closing remarks.
11:42:00 Ms. Staton made her closing remarks.
11:43:45 Ms. Young made her closing remarks.
11:44:40 Mr. Lambert made his closing remarks (See Exhibit 10).
11:45:45 Ms. Mattioli made her closing remarks.
11:47:51 Ms. Lavinder made her closing remarks.
11:49:03 Commander Buls made his closing remarks.

PUBLIC COMMENT ON SJ 19 STUDY

11:51:24 Nancy Davis, self.

BREAK (Reconvened at 12:05).

PUBLIC COMMENT ON ANY ITEM UNDER THE LJIC'S JURISDICTION BUT NOT ON THIS AGENDA

12:06:23 May Simmons, self.
12:12:47 Laurie Little Dog, self.

COMMITTEE WORK SESSION

12:16:55 Sen. Regier discussed SJ19-1 (see Exhibit 7) and asked Ms. Weiss to help summarize.
12:20:07 Rep. Kelker discussed changing the wording in SJ19-1.
12:22:10 Sen. Sands discussed SJ19-2 (see Exhibit 8).
12:24:15 Rep. Usher discussed the violent registry and an alleged domestic homicide case.
12:25:18 Sen. Gross discussed an alleged domestic homicide case.
12:28:07 Rep. Farris-Olsen discussed the failure to register issue.
12:29:12 Sen. Bennett asked to hear more from the victims of these crimes.
12:30:54 Sen. Sands discussed SJ19-3 (see Exhibit 9).
12:31:37 Rep. Kelker discussed the victims knowing where the offenders are.
12:33:54 Sen. Gross discussed the registry becoming private.
12:35:19 Rep. Krotkov discussed the sexual and violent registries.
12:37:17 Sen. Esp discussed the registries staying public.
12:38:24 Sen. Sands discussed withdrawing SJ19-4 (see Exhibit 10).
12:40:36 Sen. Sands asked if SJ19-3 could be separated.
12:41:36 Rep. Kelker discussed that SJ19-1 might need to be two separate bill drafts.
12:42:17 Sen. Sands asked for a draft related to probation and parole conditions.
12:42:55 Ms. Weiss asked for more direction because there are already laws set in place.

- 12:44:16 Rep. Farris-Olsen asked getting staff to draft a bill about to remove offenders after 10 years.
- 12:45:53 Rep. Kelker discussed getting more information about people who are on parole and the programs that they attend.
- 12:48:44 Sen. Sands discussed this being a budget item in the next session.
- 12:50:48 The committee discussed next meeting dates, topics, and formats.

ADJOURNMENT

- 13:02:38 With no further business before the committee, Rep. Usher adjourned the meeting at 1:02 p.m.