



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

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

May 12, 2020
8:00 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.

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>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to 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.

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

AGENDA: (Attachment 1)**AGENCY OVERSIGHT: DEPARTMENT OF CORRECTIONS UPDATE**

08:07:17 Reginald Michael, Director of Department of Corrections, (DOC) (Exhibit 1).
08:20:34 Connie Winner, Clinical Services Division Administrator, DOC
08:25:56 Director Michael continued with his presentation.

Public Comment

08:37:53 Laurie Little Dog, Self (Exhibit 2).
08:42:18 SK Rossi, ACLU of Montana
08:44:56 Sheriff Jesse Slaughter, Cascade County Sheriff.
08:47:09 May Simmons, Self
08:48:51 Kathleen Stewart, Self
08:51:03 Nanettee Gilbertson, Montana Sheriffs and Peace Officers Association.

Committee Questions

08:53:02 Rep. Krotkov asked Director Michael about the video conferences.
08:53:53 Rep. Krotkov asked about visitation at the Crossroads Correctional facility.
08:54:25 Rep. Krotkov asked Director Michael and Connie Winner if Crossroads was a contracted facility or secure facility.
08:56:09 Sen. Gross asked Director Michael about victim liaisons.
08:58:10 Sen. Gross asked a follow-up about how many calls the victim liaisons have had during this time.
08:58:53 Sen. Gross asked Director Michael about staff wearing masks.
09:02:05 Rep. Kelker asked Director Michael about parole eligibility.
09:03:36 Rep. Kelker asked a follow-up about parole school.
09:04:35 Rep. Fleming asked Director Michael about changes in the mail policy and procedure in the prison.
09:06:27 Sen. Regier asked Director Michael about digital mail.
09:07:35 Sen. Regier asked Director Michael about the personal protective equipment budget.
09:08:12 Sen. Regier asked Assistant Warden Pat Smith (MSP), about calls.
09:09:26 Rep. Knudsen asked Sara Boutilier about the Covid-19 tests administered in the prisons.
09:11:46 Rep. Krotkov asked Ms. Boutilier about wastewater testing.
09:13:06 Sen. Sands asked Director Michael about the testing of the virus in the Montana State Prison system.

09:16:12 Sen. Sands asked a follow up about Coronavirus test planning.

09:18:31 Sen. Sands asked a follow-up about getting a monthly update about testing number.

Public Comment

09:19:33 Clemente Arciga, Self

SJ 19 STUDY OF SEXUAL AND VIOLENT OFFENDER REGISTRIES

09:21:28 Jana Staton, PhD LCPC (Exhibit 3) (Exhibit 4) (Exhibit 5).

Public Comment

09:42:43 Patty Hagenlock, Self

09:47:23 Sheriff Jesse Slaughter, Cascade County Sheriff.

09:49:45 Cory Swanson, Broadwater County Attorney.

09:52:33 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association.

09:53:55 Brenda Erdelyi, President of Montana Sex Offender Treatment Association, (MSOTA).

09:56:42 Clemente Arciga, Self.

HJ 31 STUDY OF THE MONTANA BOARD OF CRIME CONTROL (MBCC)

10:00:39 Catherine Gunderson, Executive Director of Center for Restorative Youth Justice.

10:09:50 Kelly Heaton, Executive Director, Domestic and Sexual Violence Services and Power Up, Speak Out! (Exhibit 6)

10:15:56 Shantelle Gaynor, Director, Missoula City-County Relationship Violence Services (Exhibit 7).

Public Comment

10:23:23 May Simmons, Self.

10:24:30 Cory Swanson, Broadwater County Attorney.

Committee Questions

10:26:42 Sen. Gross asked Ms. Gaynor about federal money coming in as grants.

10:28:17 Sen. Gross asked the panel a follow-up about covid-19 program funding.

10:30:38 Rep. Fleming asked Ms. Heaton about the last funding cycle.

10:32:56 Rep. Kelker asked the panel about funding and VOCA money.

BREAK

Reconvened at 10:50 am.

ADMINISTRATIVE RULE REVIEW

10:50:16 Julianne Burkhardt, Legislative Services Division (LSD), Staff Attorney (Exhibit 8).

Committee Questions/Committee Discussion

- 10:51:09 Rep. Usher asked Ms. Burkhardt about changes.
- 10:53:44 Sen. Sands asked Ms. Burkhardt about emergency rules.
- 10:55:06 Rep. Fleming asked Ms. Burkhardt about additional information about the qualification for parole.

REVIEW OF INTERIM STUDY PRELIMINARY DRAFT BILLS

- 10:56:54 Rachel Weiss, LSD, Research Analyst (Exhibit 9).

Public Comment

- 11:02:29 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence.
- 11:05:22 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (Exhibit 10).
- 11:07:55 Cory Swanson, Broadwater County Attorney.
- 11:12:06 Laurie Little Dog, Self.

Committee Questions/Committee Discussion

- 11:13:20 Rep. Kelker asked Ms. Burkhardt and Ms. Weiss about oversight on the MBCC.
- 11:17:55 Rep. Kelker asked Ms. Weiss a follow-up about documents available to the public.
- 11:20:20 Sen. Esp discussed the changes in how the MBCC staff was hired and supervised.
- 11:21:46 Ms. Burkhardt (Exhibit 11).

Public Comment

- 11:34:39 Michelle Feldman, State Campaigns Manager, Innocence Project. (Exhibit 12) (Exhibit 13) (Exhibit 14).
- 11:40:15 Cory Swanson, Broadwater County Attorney.
- 11:44:55 Amy Sings In the Timber, Executive Director, Montana Innocence Project.
- 11:48:33 Patrick Webb, Americans for Prosperity Montana.
- 11:50:59 Cody Marble, Self.

Committee Questions

- 11:54:22 Rep. Kelker asked Ms. Feldman a question about requirement to show innocence for exonerated people.

SJ19 STUDY OF THE SEXUAL AND VIOLENT OFFENDER REGISTRY BILLS

SJ19-1: Revise qualifications for psychosexual evaluators

- 11:57:30 Ms. Weiss, (Exhibit 15)(Exhibit 16) .

SJ19-2: Eliminate violent offender registry

- 12:00:57 Ms. Weiss (Exhibit 17).

SJ19-3: Revise sex offender registry to make it private

12:02:11 Ms. Burkhardt (Exhibit 18).

SJ19-4: Revise tier 1 of sex offender registry to provide for automatic removal after 3 years

12:05:24 Ms. Weiss (Exhibit 19).

Public Comment

12:08:19 Chris Quigley, Self.
12:12:37 Madison Mattioli, Prosecutor, Attorney General's Office.
12:15:55 Andy Hudak, MSOTA (Exhibit 20).
12:20:28 Patty Hagenlock
12:23:08 Clemente Arciga
12:25:33 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence.
12:26:29 Cory Swanson, Broadwater County Attorney.

Committee Questions/Committee Discussion

12:29:51 Rep. Kelker discussed coming back to these issues when there is more time.
12:31:00 Sen. Sands discussed work that needs to be done with the bill drafts.

PUBLIC COMMENT ON ANY OTHER TOPICS NOT DISCUSSED

12:32:20 Rep. Mary Ann Dunwell, Self. (Exhibit 21).
12:35:26 Clemente Arciga, Self.
12:37:22 Laurie Little Dog, Self.
12:40:39 May Simmons, Self.
12:43:02 Chris Quigley, Self.

COMMITTEE WORK SESSION

Committee Questions/Committee Discussion

12:50:47 Committee discussion on meeting dates.
12:51:52 Rep. Kelker discussed the committee sending questions to Ms. Weiss.
12:55:06 Committee discussion on in-person meetings.
12:55:55 Committee discussion on adding time to the Zoom meetings.
12:59:39 Sen. Esp discussed exonerated persons process.
13:01:56 Rep. Kelker discussed working through topics.
13:06:12 Ms. Burkhardt discussed the HJ 36 bill draft changes.
13:07:41 Ms. Weiss asked about extending time on May 29.
13:08:41 Committee discussion on next meeting.

ADJOURNMENT

13:11:31 With no further business before the committee, Rep. Usher adjourned the meeting at 1:11 pm.

ALL PUBLIC COMMENT SENT IN TO THE COMMITTEE: