



Law and Justice Interim Committee

66th 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

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

November 18, 2019
Room 102, Capitol Building
Helena, 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.

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COMMITTEE MEMBERS PRESENT

SEN. BRYCE BENNETT
SEN. JOHN ESP
SEN. STEVE FITZPATRICK
SEN. JEN GROSS
SEN. KEITH REGIER
REP. ROBERT FARRIS-OLSEN
REP. FRANK FLEMING
REP. KATHY KELKER
REP. CASEY KNUDSEN
REP. JASMINE KROTKOV
REP. BARRY USHER

COMMITTEE MEMBERS EXCUSED

SEN. DIANE SANDS

STAFF PRESENT

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Staff Attorney
VERONICA SULLIVAN, Secretary

VISITORS' LIST(Attachment 1)

AGENDA(Attachment 2)

COMMITTEE ACTIONS

The committee agreed to draft a letter to the Montana Board of Crime Control requesting that the Board present potential policy changes to the LJIC for comment before revising them.

CALL TO ORDER AND ROLL CALL

08:01:45 Rep. Usher called the meeting to order. The committee secretary took roll. All members were present, except Sen. Sands who was excused. (Attachment 3)

COMMITTEE ISSUE

Real ID Update

08:03:59 Sarah Garcia, Motor Vehicle Division Administrator, Montana Department of Justice (**Exhibit 1**) (**Exhibit 2**)

08:06:03 Michele Snowberger, Bureau Chief (**Exhibit 3**)

Public Comment

08:14:49 Randy Knowles, Self

Committee Questions/ Committee Discussion

08:15:55 Sen. Reiger asked Ms. Garcia asked what information is on the barcode on driver's license.

08:16:26 Sen. Regier asked a follow-up question.

08:16:34 Rep. Krotkov asked Ms. Snowberger about the federally recognized Indian reservations in Montana.

08:17:27 Rep. Krotkov asked Ms. Snowberger about people who do not have a physical address.

08:19:15 Rep. Fleming asked Ms. Snowberger asked about alternative ways to get a drivers license/Real ID.

08:21:03 Sen. Esp discussed customer service and timely ways of dealing with constituents.

COMMITTEE ISSUE

Update HB 715 study and agency budgets

08:21:50 Quinn Holzer, Legislative Fiscal Analyst, Legislative Fiscal Division (**Exhibit 4**)

08:25:10 Rep. Usher asked if Walker and Marci would introduce themselves.

08:25:37 Walker Hopkins, Legislative Fiscal Analyst, LFD
08:26:08 Marci Lewandowski, Legislative Fiscal Analyst, LFD
08:26:33 Mr. Holzer (**Exhibit 5**)

Committee Questions

08:36:20 Sen. Esp asked Mr. Holzer about school district spending.
08:37:14 Rep. Kelker asked Mr. Holzer about funds (see exhibit 5).
08:39:38 Rep. Kelker asked Mr. Hopkins about justice reinvestment costs.
08:41:29 Rep. Kelker asked Mr. Hopkins a follow-up question about costs.
08:42:30 Rep. Usher (**Exhibit 6**)
08:42:59 Sen. Regier asked Mr. Holzer about fund trends (see exhibit 4).
08:43:52 Sen. Regier asked Mr. Holzer about inflation.
08:45:35 Sen. Regier asked Mr. Holzer a follow up and agencies and inflation.
08:46:21 Sen. Esp. asked Mr. Holzer about carve offs from the general fund.

BREAK (Reconvened at 8:55 am)

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

Overview and additional grant information

08:55:11 Rachel Weiss, Research Analyst, Legislative Services Division, (LSD)
(**Exhibit 7**) (**Exhibit 8**)
09:01:08 Natalia Bowser, Crime Control Bureau Chief, Department of Corrections, (DOC)
(**Exhibit 9**)

Committee Questions/ Committee Discussion

09:09:59 Rep. Kelker asked Ms. Bowser about the department's operating budget.
09:11:32 Rep. Kelker asked Ms. Bowser a follow up about the grants program and their administration.
09:12:39 Rep. Kelker asked Ms. Bowser if the board gives the staff direction on the way grants are allocated.
09:14:15 Sen. Reiger asked Ms. Bowser if they do audits and do follow ups on how the money is being used.
09:15:30 Rep. Usher asked Ms. Bowser how the funds are getting allocated regionally.
09:15:52 Rep. Usher asked Ms. Bowser about the VOCA distributions (see exhibit 9).
09:18:26 Sen. Esp asked Mr. Hopkins about growth in operating expenses (see exhibit 9).
09:20:15 Sen. Esp requested that Mr. Hopkins give Ms. Weiss a break down of what the operating expenses.
09:20:40 Rep. Fleming asked Ms. Bowser asked about appeals recieved.

Review of recent MBCC strategic planning meeting

09:22:21 Peter Ohman, Presiding Officer, MBCC
09:32:24 Rick Kirn, Vice Presiding Officer, MBCC

Committee Questions

09:33:15 Rep. Kelker asked Mr. Ohman if the committee could get copy of the bylaws and the policy.
09:34:57 Rep. Kelker asked Mr. Ohman a follow up about VOCA funds.
09:35:40 Rep. Fleming asked Mr. Ohman about the competitive bid process.

09:37:50 Rep. Usher addressed Mr. Ohman about the policy.

Perspectives from long-time MBCC members

09:40:15 Laura Obert, Broadwater County Commissioner
09:46:00 Rick Kirn, Fort Peck Tribal Executive Board Member

Committee Questions

09:50:45 Rep. Kelker asked Ms. Obert and Mr. Kirn about the roles of the members since the transition.

Public Comment on the HJ 31 study

09:56:28 Marty Lambert, Gallatin County Attorney
09:58:09 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association
10:00:47 Randy Knowles, Self

BREAK (Reconvened at 10:15 am)

SJ 19 STUDY OF THE SEXUAL AND VIOLENT OFFENDER REGISTRIES

10:16:04 Madison Mattioli, Assistant Attorney General, DOJ
10:16:08 Suzanne Anders, Sexual or Violent Offender Registry Analyst, Division of Criminal Investigation, DOJ
10:16:14 Ms. Mattioli (**Exhibit 10**)
10:54:47 Ms. Anders (**Exhibit 11**) (**Exhibit 12**) (**Exhibit 13**) (**Exhibit 14**) (**Exhibit 15**)
10:54:48 (**Exhibit 16**)

Committee Questions

11:07:33 Sen. Regier asked Ms. Mattioli about the state's definition of child pornography.
11:09:23 Rep. Kelker asked Ms. Anders about the petition process to remove sex offenders from the registry.
11:11:11 Rep. Krotkov asked Ms. Mattioli about the tier system.
11:11:55 Rep. Krotkov asked Ms. Anders about the removal of an offender from the registry and the process after the removal.
11:13:41 Rep. Krotkov asked Ms. Anders about juveniles on the registry.

Public Comment

11:14:50 Chris Quigley, Member of the Montana Sex Offender Treatment Association
11:23:20 Randy Knowles, Self
11:25:26 Andy Hudak, Clinical Director at Northwest Recovery Program
11:29:15 Jana Staton, Leadership Team Coordinator, Missoula Partners for Reintegration (**Exhibit 17**)
11:31:57 Bart Holt, Self (**Exhibit 18**)
11:35:03 Marty Lambert, Gallatin County Attorney

Committee Questions/Committee Discussion continued

11:36:28 Ms. Mattioli
11:39:36 Ms. Anders
11:40:05 Rep. Kelker asked Mr. Quigley what professional background do people need to

11:43:18 be a sex offender evaluator and be a sex offender specialist.
Rep. Kelker asked Mr. Quigley about the Behavioral Health Board.
11:45:32 Rep. Kelker asked Mr. Quigley about the test that a sex offender specialist takes to obtain that qualification.
11:47:30 Mr. Hudak further explained the process of being a member of the MSOTA.
11:49:57 Sen. Esp asked Ms. Anders about the exhibits. (see exhibits 11-15).
11:54:40 Sen. Esp ask Ms. Anders about the statistics of sexual offenders for surrounding states.
11:56:09 Rep. Usher asked Ms. Mattioli if there would be a bill draft on SORNA from the Attorney General's Office.

LUNCH (Reconvened at 13:36 pm)

AGENCY OVERSIGHT: DEPARTMENT OF CORRECTIONS

13:01:20 Cynthia Wolken, Deputy Director, DOC
13:02:13 Billie Reich, Program Manager, Technical Correctional Services Bureau, Montana State Prison (MSP) (**Exhibit 19**)
13:11:13 Lynn Guyer, Warden, MSP (**Exhibit 20**)
13:12:42 DJ Godfrey, Associate Warden, MSP

Committee Questions

13:18:36 Rep. Krotkov asked Ms. Reich about Crossroads Correctional Facility (see exhibit 20).
13:21:17 Rep. Krotkov asked Ms. Reich about the grievance numbers.
13:21:46 Rep. Krotkov asked Ms. Reich if they could share with the committee statistics for the previous years at Crossroads Correctional Facility.
13:22:09 Rep. Knudsen asked Ms. Reich about the process of grievances.

Public Comment

13:23:42 Janee Weber, Self (**Exhibit 21**)
13:32:51 Richard Shreves, Self (**Exhibit 22**)
13:37:44 Edie Shreves, Self
13:39:40 Laurie Little Dog, Self (**Exhibit 23**)
13:45:55 Marsha Stock, Self
13:49:00 Monica Saylor, Self
13:54:25 Verna Turnsplenty, Self
13:55:39 Cody Marble, Self
13:57:20 Randy Knowles, Self

Committee Questions/ Committee Discussion continued

13:58:30 Rep. Knudsen asked Mr. Godfrey about the approval process for visitors.
13:59:17 Rep. Kelker asked Ms. Wolken about the staffing shortage for visitation.
14:01:54 Mr. Godfrey further discussed the visitation and staffing shortage.
14:03:29 Sen. Esp asked Ms. Wolken if the blank form exists.
14:04:10 Sen. Esp asked Ms. Wolken for more information on the blank form.
14:04:24 Rep. Knudsen asked Mr. Godfrey about instances of contraband getting sent in to the prison.
14:05:51 Rep. Usher asked Mr. Godfrey to clarify the seriousness of the contraband issue.

14:06:04 Rep. Kelker asked Mr. Usher about getting information about the salary scale in surrounding states.
14:07:13 Rep. Fleming asked Mr. Godfrey about the process of checking mail.
14:08:35 Rep. Fleming asked Ms. Wolken about checking mail.
14:10:07 Rep. Fleming asked Ms. Wolken about the policy change on checking mail.
14:11:16 Sen. Regier asked Ms. Wolken about the salary issue.
14:12:27 Sen. Regier asked Ms. Wolken about pay constraints of a negotiated contract.

Public Comment continued

14:13:08 Betty Young, Self

Committee Questions/ Committee Discussion Continued

14:13:50 Sen. Esp asked Mr. Godfrey about the instances of contraband in the mail in the last year.
14:14:55 Sen. Bennett asked Ms. Reich about the grievances and getting more information.

HJ 43 STUDY OF POST-CONVICTION RELIEF

14:21:23 Tammy Plubell, Assistant Attorney General, Appellate Services Bureau, DOJ
14:22:08 Chad Wright, Appellate Review Division Administrator, Office of the Public Defender
14:22:31 Judge Luke Berger, 5th Judicial District and a member of the Sentence Review Division
14:23:05 Francis Meagher, Family member of crime victim (**Exhibit 24**)
14:38:28 Ms. Plubell (**Exhibit 25**)
14:52:56 Mr. Wright (**Exhibit 26**)
14:59:31 Judge Berger

Public Comment

15:07:24 Richard Shreves, Self
15:09:22 Laurie Little Dog, Self (**Exhibit 27**)
15:10:04 Jerry Marble, Self
15:11:32 Cody Marble, Self
15:13:56 Patrick Webb, Americans For Prosperity
15:15:24 Frank Knaack, Executive Director, Montana Innocence Project
15:17:41 Janee Weber, Self
15:21:42 Marty Lambert, Gallatin County Attorney

Committee Questions

15:24:56 Sen. Fitzpatrick asked Judge Berger how sentences are reviewed.

BREAK (Reconvened at 15:46 pm)

AGENCY OVERSIGHT: ADMINISTRATIVE RULE REVIEW

15:46:07 Ms. Weiss (**Exhibit 28**) (see exhibit 25)
15:48:39 Julianne Burkhardt, Staff Attorney, LSD (**Exhibit 29**)

PUBLIC COMMENT

15:50:19 Craig Crawford, School Administrator
15:54:22 Jerry Marble, Self
15:56:43 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association
(**Exhibit 30**)
15:58:51 Janee Weber, Self
16:01:36 Rebecca Hargis, Self (**Exhibit 31**)
16:04:10 Rep. Mary Ann Dunwell, Self
16:06:53 Laurie Little Dog, Self
16:12:03 Bart Crabtree, National Forum on Judicial Accountability
16:14:27 Strausie Hart, Montana Council on Judicial Accountability
16:17:35 Nicole Downs, Self
16:18:54 Randy Knowles, Self
16:22:02 Nicole Downs, Self

Committee Questions

16:23:11 Sen. Gross asked Mr. Crawford about protocol of "handle with care" with children.
16:24:30 Sen. Gross asked Mr. Crawford about the process of "handle with care".
16:26:54 Rep. Usher asked Mr. Marble about the list that DOC has of people who were released from prison, known as Correctional Offender Network Search.

Public Comment continued

16:28:01 Keith Newmeyer, Self

COMMITTEE WORK SESSION

16:29:25 Ms. Weiss (**Exhibit 32**) (**Exhibit 33**) email 15 tabs)

Committee Questions

16:34:49 Rep. Kelker asked Ms. Weiss if she could get the committee information on the criteria that other states use to hire professionals who evaluate sex offenders.
16:36:01 Sen. Gross brought a question for Sen. Sands and asked if Ms. Weiss could get in touch with PEW and CSG groups about sex offender information.
16:36:47 Sen. Regier asked Ms. Weiss if she could get the history of why the MSOTA statute was changed.
16:37:41 Rep. Usher discussed Ms. Weiss could get DOC to come in to explain the Justice Reinvestment tracking data.
16:38:28 Rep. Krotkov asked is Ms. Weiss could get a report from the Audit Division about what they found.
16:39:59 Sen. Regier asked Ms. Weiss about the MBCC and getting more background on the changes.
16:40:34 Committee discussion on SB 95 and HB 650 from the 2019 session.
16:42:46 Committee discussion on getting more information on the operating expenses of MBCC from Legislative Fiscal Division.
16:44:15 Rep. Kelker discussed a bill draft of compensation for those who are wrongly convicted (**Exhibit 34**)
16:46:51 Rep. Fleming asked Ms. Weiss if he could request an audit review from the audit committee.

Motion

16:49:52 Rep. Fleming moved that the committee send a letter to the Legislative Audit Committee requesting a program audit review of the MBCC VOCA funding for 2019.

Discussion on the Motion

16:50:13 Sen. Gross asked about a point of process.
16:50:30 Ms. Weiss discussed the process that they would request an audit.
16:52:25 Sen. Regier discussed the thought of making this a bill draft.
16:53:14 Rep. Kelker discussed getting the new policies from MBCC and going over them before they are published.
16:54:55 Rep. Fleming discussed the purpose of the audit.
16:56:02 Sen. Esp asked about previous financial audit reports of the MBCC.
16:56:16 Ms. Weiss explained the financial audit report.
16:57:12 Sen. Bennett discussed sending a letter to the MBCC emphasizing that before they make a new policy to come to the Law and Justice Interim Committee and explaining the process of what they are going to do before making the policy.

Substitute Motion

16:57:46 Sen. Esp made a substitute motion to send a letter to the MBCC emphasizing that before MBCC makes a new policy to come to the Law and Justice Interim Committee and explain the policy change.

Vote

16:58:18 The substitute motion passed on unanimous voice vote.
16:58:33 Ms. Weiss (see exhibit 34)

ADJOURN

17:00:07 With no further business before the committee, Rep Usher adjourned the meeting at 5:00 p.m.

Public Comment submitted after the meeting

Jeff Baker (**Exhibit 35**)

Patricia Hagenlock (**Exhibit 36**)