



LAW AND JUSTICE INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

John Esp
Jen Gross
Ryan Lynch
Tom McGillvray
Keith Regier
Susan Webber

HOUSE MEMBERS

Laurie Bishop
Sherry Essmann
Donavon Hawk
Emma Kerr-Carpenter
Amy Regier
Barry Usher

COMMITTEE STAFF

Julianne Burkhardt - Attorney
Bethany McDowell James - Secretary
Rachel Weiss - Research Analyst

MINUTES LOG

May 10, 2022
Room 317/Zoom
Helena, Montana

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 <https://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:

Sen. John Esp, Chair (R)
Rep. Laurie Bishop (D)
Rep. Sherry Essmann (R)
Sen. Jen Gross (D)
Rep. Donavon Hawk (D)
Sen. Ryan Lynch (D)
Sen. Tom McGillvray (R)
Sen. Keith Regier (R)
Rep. Amy Regier (R)
Sen. Susan Webber (D)
Rep. Barry Usher (R)

MEMBERS EXCUSED:

Rep. Emma Kerr-Carpenter (D)

MEMBERS ABSENT:

STAFF PRESENT:

Julianne Burkhardt, Attorney

Bethany McDowell James, Secretary
Rachel Weiss, Research Analyst

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:01:13 Sen. John Esp-R called the meeting to order at 8:01 AM. The committee secretary took roll.

Agency Oversight: Update on the Public Safety Officer Standards and Training Council (POST Council)

08:03:18 Eric Gilbertson, Executive Director for POST Council, gave an update on the POST Council. ([Exhibit 1](#))
08:06:24 Sheriff Jesse Slaughter, Cascade County Sheriff and POST Council Chair, discussed the POST Council and its plans for the upcoming year.

Committee Questions/Discussion

08:10:41 Sen. Regier commented on educating the public on the POST Council. He continued by asking about classes that are offered by POST for officer applicants.
08:14:10 Sen. Regier asked the panelists about officers coming from other states.
08:14:57 Sen. Gross asked the panelists about FOIA requests.
08:17:35 Sen. Gross asked about the POST Council's need for additional FTE positions.
08:20:31 Rep. Bishop asked about mental health training for dispatchers.
08:22:24 Sen. Webber asked Sheriff Slaughter about pay for law enforcement.

Public Comment on POST Council Update

08:25:22 Brian Thompson, Montana Sheriffs and Peace Officers Administration (MSPOA)
08:28:23 May Simmons, Polson
08:28:41 Sen. Lynch joined the meeting.
08:32:11 Sen. Esp asked the panelists to send a letter at a later date that states how they investigate complaints.

SB 303 Study of Inmate Telecommunications Costs and Contracts

08:33:12 Rachel Weiss, Research Analyst, presented written-in public comment on the SB 303 study. (See exhibit 4)

Perspective on telecommunication costs from a formerly incarcerated individual

08:36:00 Gregg Trude, a formerly incarcerated individual, discussed the cost of telecommunications in Montana's prisons.

Committee Questions/Discussion

08:39:47 Sen. McGillvray asked Mr. Trude about recidivism rates in Montana.

08:41:20 Sen. McGillvray asked Mr. Trude about the cost of services inside prisons that are covered by telecommunications fees.

08:43:40 Sen. Regier asked Mr. Trude about telecommunications fees.

Review of past meeting questions and draft legislation

08:47:09 Travis Brown, Research Analyst, provided answers to questions asked during the previous LJIC meeting in March. ([Exhibit 2](#)) He also presented the draft legislation on telecommunications costs in Montana prisons. ([Exhibit 3](#))

Committee Questions/Discussion

08:55:08 Sen. McGillvray asked Mr. Brown about the costs associated with the state contract and the counties' required involvement with that contract.

08:55:55 Sen. McGillvray asked for further clarification on the draft legislation. He asked the committee to consider adding a cap in the legislation for telecommunications fees.

08:57:50 Sen. Regier asked Mr. Brown about the counties' required or unrequired involvement with the state contract. (See exhibit 3)

08:58:49 Sen. Regier asked Mr. Brown about language in the legislation.

08:59:47 Rep. Usher asked Mr. Brown how the counties will replace funding for extracurricular services in the prisons.

09:01:51 Rep. Usher asked Mr. Brown about alternative ways for prisons to pay for extracurricular services.

09:02:39 Rep. Usher asked Mr. Brown about his tenure.

09:03:09 Sen. Regier asked about the language in the draft legislation. (See exhibit 3)

09:05:27 Sen. Esp asked Mr. Brown about the data in the NCIC document. (See exhibit 2)

09:06:50 Sen. Webber asked Mr. Brown about the fees for telecommunications and whether they are used for health insurance for individuals.

09:08:08 Rep. Bishop asked Mr. Brown about trends in rates.

09:10:07 Sen. Regier asked about the different communication arrangements at different facilities.

09:10:58 Sen. Regier asked whether the residents at these facilities are charged for their video calls.

09:11:28 Rep. Essmann asked Mr. Brown about communications rates. She asked whether a rate could be tied to FCC rather than being stated directly in the legislation.

09:12:38 Sen. McGillvray asked Mr. Brown about interstate and intrastate rates from the FCC.

Public Comment on the SB 303 study and draft legislation

Written public comment on SB 303 study and draft legislation ([Exhibit 4](#))

09:13:49 Brian Thompson, MSPOA
09:16:18 May Simmons, Polson
09:23:42 Stephen Raher, Prison Policy Initiative
09:28:53 Randy Knowles, Cascade County
09:32:18 Jennifer Root, Flathead County Sheriff's Office
09:38:58 Alexander Pope, NCIC Inmate Communications
09:44:54 Sen. McGillvray asked Mr. Thompson if the MSPOA had a recommendation an ancillary fee cap. He asked if Mr. Thompson would follow up with the committee on suggestions.

HJ 4 Study of Criminal Commitment Process

09:46:34 Ms. Weiss presented HJ4-1 draft bill to the committee. ([Exhibit 5](#))

Committee Questions/Discussion

09:50:44 None

Public Comment on HJ 4 Study and Draft Legislation

09:51:29 Matt Kuntz, NAMI Montana
09:54:15 Gary Mihelish, NAMI Montana
09:56:58 Sen. Esp asked Mr. Kuntz to clarify his comment.

BREAK

9:58:08 Reconvened at 10:17:11

Overview of Planned Afternoon Visits: Jefferson County Jail and Montana Highway Patrol Headquarters

10:17:45 Ms. Weiss discussed the planned afternoon visits off campus.

Public Comment related to the visits

10:19:50 None

Public Comment on any topic within the LJIC's jurisdiction

10:20:11 Aaron Meaders, Self ([Exhibit 6](#))
10:28:33 May Simmons, Polson
10:32:10 Sen. McGillvray commented on prison employment and asked for the committee to address the issue with Governor Gianforte and Director Brian Gootkin of the DOC.
10:33:35 Rep. Hawk stated his agreement with Sen. McGillvray.
10:34:04 Sen. Regier asked Mr. Meaders about employee retention and morale.

Work Session

10:35:27 Ms. Weiss discussed future meetings for the remainder of the interim and the goals for the committee.

Committee Questions/Discussion

10:38:11 Sen. Webber asked for the date of the June 2022 meeting.

10:38:28 Rep. Usher stated his interest in hearing from MT Highway Patrol on their ticketing process in order to include their data on draft legislation.

10:39:24 Sen. Esp asked the committee their thoughts on meeting with the governor to discuss retention rates at the prison.

10:40:28 Sen. Regier asked about meeting with the DOC regarding employee retention.

10:40:35 Sen. McGillvray commented on the urgency of employee retention at the prison.

10:41:24 Rep. Usher stated his interest in meeting with the governor to discuss prison employee retention. He asked Rep. Hawk, Rep. Bishop, and Sen. McGillvray to head that meeting.

10:42:58 Sen. Lynch commented on the suggested meetings.

10:44:01 Sen. Regier stated that he believed it would be good to have DOJ and FWP wardens report at the June meeting, in addition to meeting with the governor.

10:44:44 Rep. Usher stated his preference in getting specific requests from stakeholders regarding HJ 31 draft legislation.

10:45:35 Sen. Lynch commented on data integration efforts from different agencies and asked about including them in the next discussion on data sharing.

10:45:59 Sen. Esp commented on the responses from the stakeholders.

10:46:18 Rep. Bishop commented on the information that the committee received and stated her interest in involving the Governor's Office in future discussions.

10:48:11 Rep. Usher commented on conversations with criminal justice system stakeholders.

10:50:43 Sen. Esp asked the committee about working on a project to hear from more individuals with Rep. Usher.

10:51:19 Rep. Essmann commented on the goal of criminal justice system data sharing and asked the committee to clarify those goals.

10:53:51 Sen. Esp responded to Rep. Essmann.

10:54:50 Sen. Lynch responded to Rep. Essmann.

10:59:44 Rep. Bishop commented on the groundwork necessary to begin the implementation process for data sharing.

11:02:37 Sen. Esp commented on the discussion.

11:03:02 Sen. Lynch stated that local judicial stakeholders should be invited to the discussion, along with the Chief Information Officers so that relevant questions can be answered.

11:04:25 Sen. Esp discussed getting bill draft requests to Ms. Weiss.

11:06:27 Ms. Weiss stated a summary of the interests and goals for the next meeting.

11:08:57 Ms. Burkhardt stated the rules regarding a subcommittee.

11:09:45 Sen. Esp asked Ms. Burkhardt about informal meetings with the governor.

11:10:59 Rep. Usher withdrew his request for an additional meeting that would need to be publicized.

11:12:02 Sen. Lynch asked Ms. Weiss about a future meeting with stakeholders and the data officers.

11:12:55 Sen. Esp asked the committee about telecommunications data.

11:13:22 Rep. Bishop commented on telecommunications costs and asked the committee to consider establishing free communication for individuals at certain times.

11:17:21 Sen. McGillvray requested changes to the draft legislation. (See exhibit 4)

11:17:55 Sen. Regier asked Rep. Bishop about limitations on free calls. He continued by asking about details within the draft legislation. (See exhibit 4)

11:21:20 Rep. Bishop clarified her ideas for telecommunications restrictions.

11:22:38 Sen. Esp asked Mr. Brown about writing restrictions in the bill draft.

11:23:49 Sen. Esp stated federal rules in establishing phone call rates for different-sized facilities.

11:24:07 Mr. Brown discussed the cap on fees.

11:24:19 Rep. Usher asked the committee about complying to FCC fee caps and costs.

11:26:02 Rep. Essmann stated her requests for the draft legislation.

11:28:46 Sen. Regier responded to Rep. Usher's earlier comment.

11:29:21 Sen. Lynch asked Rep. Bishop about extending her requested free calls to all individuals in state and county jails and prisons.

11:30:04 Mr. Brown asked the committee about their preferred rates for telecommunications.

11:30:59 Rep. Bishop stated her concerns as well as her request to encourage joining the state contract.

11:31:35 Sen. McGillvray stated his requests for telecommunications rate.

11:32:27 Sen. McGillvray stated his concerns in joining the state contract.

11:32:59 Rep. Usher commented on joining the state contract.

11:34:36 Sen. Lynch stated his requests to compare the rates.

11:35:21 Sen. Esp commented on HJ 4.

11:36:43 Sen. Esp commented on HJ 40.

11:38:07 Rep. Usher commented on the role and rules of the Legislative Branch.

11:39:19 Ms. Burkhardt clarified legislation in the MCA.

11:42:04 Sen. Esp asked the committee for any requests for Constitutional changes.

11:42:28 Sen. Regier read Article VII, Section 11 of the Montana Constitution.

11:43:19 Sen. Esp responded to Sen. Regier.

11:43:44 Rep. Regier commented her requests for the Judicial Standards Commission.

11:44:19 Rep. Bishop commented on the operation of the Judicial Standards Commission.

11:46:39 Rep. Usher responded to Rep. Bishop's comment.

11:48:24 Sen. Esp explained the role of the Judicial Standards Commission. He asked Ms. Weiss about the committee's request.

11:52:15 Sen. Esp asked the committee about hearing more from the Judicial Standards Commission.

11:52:44 Rep. Usher commented on a previous visit from Judge Menahan.

11:53:47 Sen. Lynch asked the committee to invite members from the Board of Crime Control to participate in discussion with the committee.

11:54:16 Rep. Usher responded to Sen. Lynch.
11:55:26 Sen. Lynch responded to Rep. Usher.
11:55:52 Ms. Weiss stated the importance of gathering information by a certain date.
11:56:39 Sen. Esp commented on the next meeting.
11:57:08 Ms. Weiss commented on the upcoming tours.

ADJOURNMENT

11:58:48 Sen. Esp adjourned the meeting at 11:58:48.