MINUTES LOG
May 9, 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)
Rep. Donavon Hawk (D)
Sen. Ryan Lynch (D)
Sen. Tom McGillvray (R)
Sen. Keith Regier (R)
Rep. Amy Regier (R)
Rep. Barry Usher (R)
Sen. Susan Webber (D)

MEMBERS EXCUSED:
Sen. Jen Gross (D)
Rep. Emma Kerr-Carpenter (D)

MEMBERS ABSENT:

STAFF PRESENT:
Julianne Burkhardt, Attorney
Bethany McDowell, Secretary
CALL TO ORDER/ROLL CALL
09:01:46 Sen. John Esp-R called the meeting to order at 9:01 AM. The committee secretary took roll.

Opening Remarks
09:03:02 Sen. Esp asked for a moment of silence for the late Sen. Sweeney.

HJ 31 Study of Criminal Justice System Data
09:03:42 Ashley Dowell, Executive Director for Idaho Commission of Pardons and Parole, and Monty Prow, Director of the Idaho Department of Juvenile Corrections, gave a presentation on Idaho's criminal justice system data sharing program, Insight Idaho. (Exhibit 1)

Committee Questions/Discussion
09:29:17 Sen. Lynch asked the presenters to describe the State Controller's Office and their role in implementing the data sharing program.
09:32:16 Sen. Lynch asked the presenters to describe any other functions of the State Controller's Office.
09:33:57 Sen. Lynch asked the presenters for details about how the program works.
09:37:46 Sen. Lynch asked about presenting Insight Idaho to officials at the local level.
09:41:22 Rep. Usher asked the presenters about funding for the criminal justice system data sharing program.
09:44:40 Rep. Usher asked the presenters to clarify whether they received grant funding for the program.
09:45:35 Rep. Bishop asked the presenters to describe the timeline from preparing Insight Idaho, to getting it passed in the Idaho legislature.
09:49:12 Rep. Bishop asked the presenters if there were any data sharing program models from other states that they believed would be beneficial for the committee to look at.
09:51:45 Sen. Esp asked Ms.Dowell about the immunity issue in the bill.
09:52:45 Sen. Esp asked Ms. Dowell for recommendations on tailoring the language in the statute.
09:53:19 Rep. Essmann asked the presenters about the consistency of funds and whether the necessary amount to operate the program fluctuates.

BREAK
HJ 31 Study of Criminal Justice System Data continued
10:15:57 Rachel Weiss, Research Analyst for the Law and Justice Interim Committee, introduced the draft legislation for HJ 31 and the documents related to it from the agencies. (Exhibit 2 and Exhibit 3) She also presented a written-in public comment to the committee. (See Exhibit 5)

Discussion with Montana criminal justice system stakeholders
10:18:51 Beth McLaughlin, Court Administrator for the Judicial Branch, began the discussion on behalf of the Judicial Branch and its role and expectations regarding criminal justice data sharing. She stated there was no additional information besides that which was already presented to the committee. (See exhibit 3)
10:21:46 Anne Dormady, Crime Information Bureau Chief at the Division of Criminal Investigation at the Department of Justice (DOJ) and Alan Doane, stated that the DOJ did not have more to add to what was already presented to the committee. (See exhibit 3)
10:22:48 John Daugherty, Chief Executive of Central Services at the Department of Corrections (DOC), said there was no additional comments to be made on behalf of the DOC other than those already given to the committee. (See exhibit 3)
10:25:06 Brett Schandelson, Development and Operations Bureau Chief at the Office of State Public Defender (OPD) presented the OPD's responses to the draft legislation and the questions submitted by LJIC members. (See exhibit 3)
10:31:19 Sheriff Leo Dutton, Board Presiding Officer for the Montana Board of Crime Control (MBCC), discussed the draft legislation and the concerns and recommendations of the Board of Crime Control regarding the draft legislation. (See exhibit 2)
10:35:02 Natalia Bowser, Executive Director for MBCC, described the potential resources that the MBCC might need to implement a data sharing program.
10:35:10 Bill Fulbright, Ravalli County Attorney, discussed the concerns of the County Attorneys Association regarding the draft legislation. (See exhibit 2)
10:43:09 Sheila DeVries, Yellowstone County Records Supervisor, discussed the work that would be required from the Sheriff's office and the resources that would be required in entering and collecting criminal justice system data.

Committee Questions/Discussion
10:46:14 Sen. Regier asked Sheriff Dutton about the process of sharing information and how it might affect his office. (See exhibit 2)
10:49:04 Sen. Regier asked Mr. Schandelson about reducing the data that is shared.
10:51:21 Sen. Esp asked Ms. McLaughlin to clarify Mr. Schandelson's response by describing the role of the court in data sharing.
10:56:38 Sen. Esp discussed the Judicial Branch Current Data Exchange document that correlates to the points made by Ms. McLaughlin. (Exhibit 4)
10:59:10 Rep. Usher asked the stakeholders what they thought about the complexity of a system like Snowflake, which was presented at the previous LJIC meeting in March 2022. (See Summary Minutes on March 22, 2022)
10:59:36 Rep. Usher asked Mr. Schandelson what his thoughts were regarding the Snowflake program.
11:02:23 Sheriff Dutton responded to Rep. Usher's question by describing the different types of data-gathering systems in Montana.
Mr. Fulbright responded to Rep. Usher's question.

Sen. Regier asked Ms. Dormady to describe her role for the DOJ.

Sen. Lynch explained the data sharing program and asked the stakeholders specifics around implementing it.

Director Brian Gootkin, DOC, commented on the DOC’s intention to help establish a new system that will integrate criminal justice system data.

Ms. McLaughlin explained the current focus of the Judicial Branch.

Sheriff Dutton explained the roadblocks that inhibit integration and his concerns for implementing a new program.

Ms. Fulbright described the potential apprehension at the county level behind implementing a new program.

Ms. Weiss and Sen. Lynch discussed creating a new document to clarify any questions to the stakeholders and address their concerns.

Rep. Bishop asked Sheriff Dutton if the sheriff's office currently uses an electronic system for citations.


Rep. Usher commented on the goal to create efficient systems for the agencies.

Rep. Essmann commented on the potential timeline of implementing the data integration program. She continued by asking the stakeholders to send in relevant information to ensure no data is duplicated and the program is being used for its intended purpose.

Sen. Esp asked the stakeholders their thoughts on the Idaho presentation and how Montana agencies can implement a similar type of reporting system.

Ms. McLaughlin asked the committee to find any data elements that they need so that the agencies are not doing unnecessary work and the systems do not contain extraneous information.

Sen. Lynch responded to Ms. McLaughlin. He continued by explaining the reasons behind the steps that need to be taken.

Mr. Schandelson stated his thoughts on the necessary initial steps in implementing a data sharing program.

Sen. Esp asked about other states' right to privacy established in their constitutions.

Mr. Schandelson responded by describing the right to privacy laws in Montana and how a data sharing program will have to work around those statutes.

Sen. Esp asked Rep. Usher to share additional information on a program.

Rep. Usher discussed details regarding implementing a new program.

LUNCH

Public Comment on the HJ 31 study and draft legislation
13:17:03 Written public comment presented to the committee on HJ 31 study of criminal justice system data - Exhibit 5
13:17:09 Sen. Esp read a statement that clarified the purpose of public comment and the legislators' duties.
13:20:33 Amy Sings In The Timber, Montana Innocence Project
Mark Murphy, Helena
May Simmons, Polson
Henry Kriegel, Montana Americans for Prosperity

**HJ 40 Study of Judicial Standards Commission**

13:36:19 Ms. Weiss introduced the HJ 40 Study of Judicial Standards Commission and the materials that will be discussed by panelists. (Exhibit 6)

13:38:44 Brittany Kauffman, Senior Director at the Institute for the Advancement of the American Legal System, gave a presentation on recommended improvement efforts to assess and advance judicial discipline. (Exhibit 7) - The presentation can be viewed at 13:39:10 in the video recording of the meeting.

Bart Crabtree, with the Montana Citizens Council on Judicial Accountability, gave a presentation on the concerns regarding judicial oversight and judicial misconduct. (Exhibit 8)

**Committee Questions/Discussion**

14:02:04 Sen. Esp asked Mr. Crabtree to clarify the bill in his presentation. (See exhibit 8)

14:02:58 Rep. Bishop asked Ms. Kauffman to provide the study that she mentioned in her presentation. (See exhibit 7)

14:04:15 Sen. McGillvray asked Ms. Kauffman about specific instances where agency officials' conduct would need to be reviewed by the judicial standards commission.

14:08:44 Sen. McGillvray asked Mr. Crabtree if his organization had a process for tracking complaints made by an individual.

14:10:22 Sen. Esp discussed a document mentioned earlier that explained confidentiality. (See exhibit 6)


14:13:19 Rep. Usher asked Mr. Crabtree to point to the legislation that was in his presentation. (See exhibit 8)

14:13:51 Rep. Usher asked Julianne Burkhardt, LSD attorney for LJIC, to confirm what is in the document that Mr. Crabtree provided. (See exhibit 8)

14:16:01 Rep. Bishop asked Ms. Kauffman if having more public members to be part of the commission would impact the outcome.

14:18:27 Sen. Esp asked Ms. Kauffman about the rules of the Montana Judicial Standards Commission. (See exhibit 7)


14:22:47 Rep. Usher asked Judge Spaulding to clarify the language that establishes the role of the Legislature and Supreme Court related to the Judicial Standards Commission.

14:24:25 Sen. McGillvray asked Judge Spaulding if the Commission considered making a rule that established an appeals process.


14:28:22 Sen. Regier asked Mr. Crabtree to clarify the intention and goals of the legislation that his agency proposed.

14:30:17 Rep. Usher asked about rules established to hold judges accountable.
14:35:28 Rep. Bishop commented on the relationship between the three branches of government. She continued by asking Judge Spaulding about the process of becoming a judge.
14:38:04 Sen. Esp stated his interest in sharing Mr. Crabtree's report to the members of the Commission.

Public Comment on the HJ 40 study
14:40:36 Rudy Stock, Helena
14:42:48 May Simmons, Polson

BREAK
14:15:19 Reconvened at 15:05:10

Committee Issue: Update on HB 92 from 2021 Session
15:05:57 Amy Sings In The Timber, Executive Director for the Montana Innocence Project, gave a presentation on wrongful convictions in Montana and the costs associated with the exoneration and transition process. (Exhibit 9)

Committee Questions/Discussion
15:15:58 Sen. Esp asked Ms. Sings In The Timber about the state settlement system.

Public Comment on HB 92
15:18:02 May Simmons, Polson
15:19:43 Henry Kriegel, Montana Americans for Prosperity

Agency Oversight: Department of Justice Responding to Crimes Against Children
15:20:51 Dana Toole, Bureau Chief for the Special Services Bureau in the Division of Criminal Investigation at the DOJ, gave a presentation on the Children's Advocacy Center (CAC) and advocacy programs in Montana. (Exhibit 10)

Committee Questions/Discussion
15:42:01 Rep. Bishop asked Ms. Toole for background information on the National Children's Alliance.
15:44:44 Rep. Usher asked about the relationship between the CAC and the DOJ.

Public Comment on CAC and Agency Oversight
15:51:04 May Simmons, Polson

Public Comment on any topic within the LJIC's jurisdiction
15:53:08 May Simmons, Polson

RECESS
ADJOURNMENT