



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
Frank Fleming
Donavon Hawk
Emma Kerr-Carpenter
Amy Regier
Barry Usher

COMMITTEE STAFF

Rachel Weiss - Research Analyst
Julianne Burkhardt - Attorney
Daniel Collins - Secretary

MINUTES LOG

October 29, 2021
Capitol Room 317 and 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. 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, Acting Presiding Officer (R)
Rep. Laurie Bishop (D)
Rep. Frank Fleming (R)
Rep. Emma Kerr-Carpenter (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. Donavon Hawk (D)

STAFF PRESENT:

Rachel Weiss, Research Analyst
Julianne Burkhardt, Attorney
Daniel Collins, Secretary

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:00:58 Sen. John Esp called the meeting to order at 8:00 a.m. The committee secretary took roll.

AGENCY OVERSIGHT

Office of the Public Defender Update

08:02:12 Rhonda Lindquist, Director, Office of the Public Defender (OPD).

08:04:13 Sen. Gross arrived at the meeting.

08:05:06 Brett Schandelson, Development and Operations Bureau Chief, (OPD).
([Exhibit 7](#))

Questions/Comments from the Committee

08:12:31 Sen. Lynch asked where cases are coming from.

08:15:02 Sen. Lynch asked about the stability of DN cases.

08:20:52 Sen. Lynch asked which employees are exempt and nonexempt.

08:21:14 Sen. Lynch asked how hours are recorded.

08:26:42 Rep. Bishop asked what kinds of activities are required for backed up cases.

08:31:56 Rep. Usher asked what the increase in cost is due to cases taking longer.

08:34:06 Rep. Usher asked how funds and caseloads are related.

08:36:03 Rep. Usher asked what is happening when a case is waiting for a judge to schedule the hearing.

08:39:54 Sen. McGillvray asked about data collected.

08:42:21 Sen. McGillvray stated that finding the common denominators would be good to know and asked about caseloads and recreational marijuana.

08:47:05 Sen. Lynch stated that the amount of data wasn't enough to decide.

08:51:21 Rep. Usher commended Office of Public Defender on data collecting.

08:52:08 Rep. Kerr-Carpenter asked about ability to forecast caseloads.

08:56:33 Rhonda Lindquist added final statements.

Public Comment on the Agenda Item

08:57:58 Kathleen Stewart, self.

AGENCY OVERSIGHT

Department of Corrections Update

09:03:51 Brian Gootkin, Director, Department of Corrections (DOC). ([Exhibit 8](#))

09:17:15 Cynthia Wolken, Deputy Director, DOC. (see Exhibit 8)

Questions/Comments from the Committee

09:20:19 Sen. Webber asked about previous Prison Rape Elimination Act (PREA) audits.

09:22:49 Sen. Webber asked about medical records following individuals after release.

09:25:05 Sen. Regier asked which prison had deficiencies in PREA.

09:25:25 Sen. Regier asked if employees were taking PREA seriously.

09:25:42 Rep. Fleming asked the prison's response to COVID.

09:27:03 Rep. Fleming asked about prison system staffing.

09:29:12 Sen. Gross asked how long two inmates had been incarcerated.
 09:30:07 Sen. Gross asked if they had been placed in any restrictive placement.
 09:31:31 Sen. Gross asked about HB 658.
 09:33:49 Sen. Gross asked how many people are in restrictive housing.
 09:34:38 Sen. Gross asked for data and requested for information on new placement requirements.
 09:35:49 Sen. Webber asked about records of attempted suicides.
 09:36:27 Sen. McGillvray asked about specific programs.
 09:38:48 Sen. McGillvray asked about CDL programs.
 09:39:26 Sen. McGillvray asked about a reward program for completing programs.
 09:41:26 Rep. Kerr-Carpenter asked what mental health resources are available.
 09:43:05 Director Gootkin introduced new Chief Financial Officer, Natalie Smitham.

Public Comment on the Agenda Item

09:44:35 May Simmons, Polson.
 09:48:19 Kathleen Stewart, self.

BREAK

LEGAL ISSUES

Administrative Rule Review and Update on Ballot Issue Reviews

10:01:33 Julianne Burkhardt, staff attorney. ([Exhibit 9](#))

Public Comment on the Agenda Item

None

AGENCY OVERSIGHT

Required Report on Board of Crime Control Transition to Administrative Allocation to Department of Justice

10:08:06 Natalia Bowser, Executive Director, Montana Board of Crime Control.
 10:14:01 Sheriff Leo Dutton, Chairman, Montana Board of Crime Control.

Questions/Comments from the Committee

10:17:33 Rep. Usher asked about a raise for Natalia Bowser.
 10:20:16 Rep. Usher asked how the position compares to bureau chiefs.
 10:21:39 Rep. Usher asked about Natalia Bowser's previous raises.
 10:22:19 Rep. Usher asked about verbiage used on a previous comment.
 10:23:17 Sen. Esp asked about Natalia Bowser's boss.
 10:24:16 Sen. Esp asked how many individuals make up the executive board.

Public Comment on the Agenda Item

None

SB 303 STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

Initial Review of Telecommunication Contracts for State Prison and Local Detention Centers

10:26:30 Rachel Weiss, research analyst. ([Exhibit 10](#))

Questions/Comments from the Committee

10:30:52 Sen. McGillvray asked if cooperative agreements were received.
 10:31:38 Sen. Webber asked about tablets being provided to inmates.

10:33:20 Sen. Webber asked if it would be broken down by county size.
10:34:30 Rep. Usher asked when the current DOC contract was signed.
10:34:55 Rep. Usher asked what proceeds will pay for.
10:35:24 Sen. Esp asked about rate changes.
10:36:39 Sen. McGillvray asked if the FCC rule reduced rates.

Public Comment on the Agenda Item

10:38:15 May Simmons, Polson.

PUBLIC COMMENT ON ANY TOPIC WITHIN THE LJIC'S JURISDICTION BUT NOT ON THIS AGENDA

10:42:47 May Simmons, Polson.

WORK SESSION

10:44:53 Rachel Weiss provided an overview of upcoming meetings. ([Exhibit 11](#))
10:51:19 Sen. Esp requested Rachel Weiss to have the judiciary share data.
10:52:10 Sen. Regier asked what data is collected in each agency.
10:52:47 Rep. Bishop asked to look at the Arizona and Kentucky designs.
10:54:06 Rep. Bishop asked about DOC emergency preparedness and DOJ investigations.
10:55:31 Rep. Usher asked who stakeholders are for HJ 4.
10:57:08 Rep. Usher made further recommendations for panelists.
10:57:26 Rep. Usher asked about what other states and departments are doing regarding SB 303.
10:57:53 Sen. McGillvray requested to review SB 303.
10:59:51 Sen. Lynch asked to have the other states' bills made available.
11:03:48 Sen. Esp commended Sen. Sands for suggesting the inclusion of budget personnel.
11:04:15 Rep. Kerr-Carpenter made data requests.
11:06:12 Julianne Burkhardt addressed privacy rights.
11:07:43 Rep. Kerr-Carpenter asked about statutes.
11:08:15 Sen. Gross asked about a status update on HB 658.
11:09:25 Rep. Usher stated panelists would like to have the Department of Health and Human Services involved.
11:09:43 Sen. Regier stated the people present likely were less informed than the employees working with the data.
11:10:10 Sen. Lynch made suggestions for stakeholders.
11:11:10 Sen. Gross requested to hear from stakeholders on HB 658.
11:11:44 Sen. McGillvray wanted to clarify on a possible panel.
11:13:28 Rachel Weiss asked about the extent of data collection regarding HJ 31.
11:15:58 Rep. Bishop detailed the request for Arizona data collection.
11:17:50 Sen. Esp concurred with Sen. Lynch.
11:18:14 Rep. Usher asked why the interest in Arizona.
11:19:41 Sen. Regier wants to make sure that all definitions are the same.
11:20:39 Rachel Weiss agreed with Sen. Lynch regarding bill requests.
11:22:27 Rep. Bishop stated that Yellowstone County doesn't represent all the counties in Montana and those other counties need to be remembered.
11:27:50 Sen. Esp moved election of officers to next meeting.

ADJOURNMENT

11:28:52 Sen. Esp adjourned the meeting at 11:28 a.m.

ADDITIONAL INFORMATION RECEIVED AFTER THE OCTOBER 28-29, 2021 MEETINGS

[DOC Responses](#) to Law and Justice Interim Committees Questions

[List](#) of follow up resources