



LAW AND JUSTICE INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

Bryce Bennett
John Esp
Jen Gross
Ryan Lynch
Tom McGillvray
Keith Regier

HOUSE MEMBERS

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

COMMITTEE STAFF

Rachel Weiss - Research Analyst
Julianne Burkhardt - Attorney
Laura Sherley - Secretary

MINUTES LOG

June 29, 2021

Capitol Room 137 and Video Conference
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.

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MEMBERS PRESENT:

Sen. John Esp (R)
Sen. Bryce Bennett (D)
Sen. Jen Gross (D)
Sen. Ryan Lynch (D)
Sen. Tom McGillvray (R)
Sen. Keith Regier (R)
Rep. Emma Kerr-Carpenter (D)
Rep. Amy Regier (R)
Rep. Barry Usher (R)
Rep. Laurie Bishop (D)
Rep. Donavon Hawk (D)

MEMBERS EXCUSED:

Rep. Frank Fleming (R)

STAFF PRESENT:

Rachel Weiss, Research Analyst
Julianne Burkhardt, Attorney
Laura Sherley, Secretary

AGENDA ([Attachment 1](#))

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

COMMITTEE ACTION

The committee:

- adopted the Legislative Council's Rules, Procedures, and Guidelines for Interim Committees; and
- tentatively adopted a work plan for the interim.

CALL TO ORDER/ROLL CALL

09:00:08 Sen. Esp called the meeting to order at 9:00 AM. The committee secretary took roll call. Rep. Fleming was excused and left his proxy with Rep. Usher ([Attachment 3](#)).

INTRODUCTION OF MEMBERS AND STAFF

09:01:55 Sen. McGillvray
09:02:29 Rep. Hawk
09:03:00 Rep. Usher
09:03:29 Sen. Bennett
09:03:59 Ms. Sherley
09:04:18 Ms. Weiss
09:04:38 Sen. Lynch
09:05:06 Ms. Burkhardt
09:05:38 Sen. Regier
09:06:18 Rep. Bishop
09:07:10 Rep. Regier
09:07:29 Rep. Kerr-Carpenter
09:08:03 Sen. Esp
09:09:00 Sen. Gross

ADMINISTRATIVE MATTERS

09:10:31 Ms. Weiss ([Exhibit 1](#)) ([Exhibit 2](#))

Committee questions/discussion

Motion:

09:18:32 Rep. Usher moved to adopt Legislative Council's Rules, Procedures, and Guidelines for Interim Committees.

Discussion on the motion:

09:18:40 Sen. Bennet asked for clarification on the use of proxy votes.

Vote:

09:19:10 Carried unanimously by voice vote.

Presentation continued

09:19:32 Ms. Burkhardt

AGENCY OVERSIGHT

Office of State Public Defender

09:21:03 Rhonda Lindquist, Director, Office of State Public Defender (OPD)

09:28:17 Travis Tilleman, Human Resources Administrator, OPD
09:32:01 Brett Schandelson, Development and Operations Bureau Chief, OPD

Committee questions/discussion

09:39:46 Sen. Esp asked members of the Legislative Finance Committee's Interim Budget Committee to give insight on the subcommittee's OPD related work.
09:42:02 Sen. Regier asked Director Lindquist how many capital cases are ongoing, if there are further cases anticipated, and how many capital cases go to trial. The question was redirected to Mr. Schandelson.
09:45:15 Sen. Regier asked Director Lindquist if the starting salary for incoming attorneys affects work quality or if it is strictly entry-level salary. The question was redirected to Mr. Tilleman.
09:47:11 Sen. Regier asked how the OPD budget has changed through the last 10 years annually. Director Lindquist responded to the question.

Public comment

09:49:15 Laurie Little Dog, self
09:52:25 Josh Butterfly, Let Them Come Home
09:54:50 May Simmons, self
09:57:17 Clemenre Arciga, Welcome Back Missoula

Department of Justice

10:00:37 Will Selph, Chief of Staff, Department of Justice (DOJ) ([Exhibit 3](#))

Committee questions/discussion

10:05:45 Rep. Usher asked what the starting salary is for incoming attorneys at the DOJ.
10:06:10 Sen. Bennett asked how the DOJ is implementing their own data system.
10:07:49 Sen. Esp asked if there was a timeline to replace MERLIN.

Public comment

10:08:36 Laurie Little Dog, self
10:09:12 Josh Butterfly, Let Them Come Home
10:11:05 May Simmons, self

Board of Crime Control

10:20:51 Sheriff/Coroner Leo Dutton, Chair, Board of Crime Control

Committee questions/discussion

10:22:40 Rep. Usher asked for information regarding duplication of funding for victim services through BOCC to DOC and county attorneys. The question was redirected to Natalia Bowser, Bureau Chief, Crime Control Bureau.

Presentation continued

10:23:30 Natalia Bowser, Bureau Chief, Crime Control Bureau ([Exhibit 4](#))

Committee questions/discussion

10:33:09 Rep. Bishop asked how many years the funding award for the delinquency program covers, if the funding goes to only the programs or if any of the funding goes to administrative needs, and if the board will be creating new programs or only fund current programs.
10:35:21 Sen. Gross asked how many BOCC statistics and data are transferable to other law enforcement agencies.
10:38:36 Sen. McGillvray asked for BOCC data for the last 10 years, and what the BOCC's thoughts are on their crime prevention plan.

Public comment

10:42:12 May Simmons, self

Department of Corrections

10:53:04 Cynthia Wolken, Deputy Director, Department of Corrections (DOC)

Committee questions/discussion

10:56:18 Sen. McGillvray asked why the Great Falls prison was closed and if capacity was added to other facilities to compensate.
10:59:50 Rep. Kerr-Carpenter asked if the department has utilized a greater number of bed capacity.
11:01:50 Sen. Esp asked the members of the Legislative Finance Committee's Interim Budget Committee to speak to the presentation.
11:04:16 Sen. Gross asked for information on Pine Hills and how adult/juvenile joint housing is being handled.
11:05:51 Rep. Usher commented on the Pine Hills facility.

Public comment

11:08:11 Laurie Little Dog, self ([Exhibit 5](#))
11:10:23 Josh Butterfly, Let Them Come Home
11:12:32 May Simmons, self
11:15:05 Clemenre Arciga, Welcome Home Missoula

INTERIM BUDGET SUBCOMMITTEES

11:17:32 Rep. Bill Mercer, HD 46
11:30:04 Amy Carlson, Legislative Fiscal Analyst, Legislative Fiscal Division (LFD)

Committee questions/discussion

11:30:54 Rep. Kerr-Carpenter asked if the legislature has the ability to split out the funding given to victim services to be examined.

Motion:

11:32:24 Rep. Usher moved that *HJ 29: Study of victim services and funding in Montana* be reassigned to the Interim Budget Committee.

Discussion on the motion:

11:33:23 Ms. Weiss commented on how studies are assigned to interim committees by Legislative Council.

Substitute motion:

11:33:53 Rep. Usher made a substitute motion that a letter be drafted to Legislative Council requesting it reassign *HJ 29: Study of victim services and funding in Montana* to the Interim Budget Committee.

Vote:

11:33:59 Carried unanimously by voice vote.

Public comment

11:34:14 Ben Halverson, Domestic Violence Prosecutor, City of Billings
11:37:55 Laurie Little Dog, self
11:38:54 Josh Butterfly, Let Them Come Home

OVERVIEW OF DRAFT WORK PLAN, INTERIM STUDIES, AND ADMINISTRATIVE RULE REVIEW

11:40:51 Ms. Weiss (see Exhibit 2) ([Exhibit 6](#))

Committee questions/discussion

11:47:23 Rep. Bishop asked for clarification on the FTE available to the committee.

Presentation continued

11:48:00 Ms. Weiss

11:58:23 Ms. Burkhardt ([Exhibit 7](#)) ([Exhibit 8](#))

Public comment

12:10:11 Matt Kuntz, NAMI Montana

12:14:18 Henry Kriegel, Americans for Prosperity - Montana

12:17:31 Laurie Little Dog, self ([Exhibit 9](#)) ([Exhibit 10](#))

12:19:42 Josh Butterfly, Let Them Come Home

12:20:54 SK Rossi, Montana Innocence Project

12:22:49 Andrea Fenster, Prison Policy Initiative ([Exhibit 11](#))

12:26:02 May Simmons, self

12:28:00 Sen. Lynch left the meeting and left his proxy with Sen. Bennett ([Attachment 4](#)).

Presentation continued

12:28:37 Ms. Weiss (see Exhibit 6)

Committee questions/discussion

12:31:18 Sen. Regier asked Ms. Weiss if there is a minimum of FTE to designate to statutory duties.

12:31:55 Rep. Usher asked Ms. Weiss what FTE allocation was given in the committee in the last two interims.

ELECTION OF OFFICERS**Motion:**

12:33:17 Sen. Bennett nominated Rep. Kerr-Carpenter as presiding officer of the 2021-2022 Law and Justice Interim Committee.

Motion:

12:33:53 Sen. Regier nominated Sen. Esp as presiding officer of the 2021-2022 Law and Justice Interim Committee.

Vote:

12:34:28 Senator Bennett's motion failed 6 - 6 by roll call vote

Vote:

12:36:03 Senator Regier's motion failed 6 - 6 by roll call vote

12:37:14 Sen. Esp informed the committee that they will revisit the election of officers at the committee's September meeting agenda. He'll administer the meetings, and Sen. Bennett will help with planning the next meeting agenda.

12:37:19 Sen. Bennett asked if there was a written proxy for Rep. Fleming.

PUBLIC COMMENT ON ANY ITEM WITHIN THE COMMITTEE'S JURISDICTION BUT NOT ON THIS AGENDA

13:35:05 Marguerite Gaillard, Bozeman United for Racial Justice ([Exhibit 12](#)) ([Exhibit 13](#))

13:37:27 Laurie Little Dog, self ([Exhibit 14](#))

13:41:41 Josh Butterfly, Let Them Come Home

13:45:36 Mark Murphy, self

13:49:09 Henry Kriegel, Americans for Prosperity- Montana

13:49:52 May Simmons, self

COMMITTEE WORK SESSION

13:55:10 Ms. Weiss (see Exhibit 6)
13:57:45 Committee discussion on the work plan.
14:02:27 Sen. Bennett asked Sen. McGillvray for clarification of his work plan recommendations. The question was redirected to Rep. Usher.
14:05:14 Committee discussion on the work plan.
14:16:27 Rep. Usher asked Sen. Gross to comment on the Children, Family, Health, and Human Service Interim Committee's potential interest in *SJ 14: Study mental health system*.
14:18:21 Committee discussion on the work plan.

Motion:

14:29:10 Sen. Regier moved to adopt the committee work plan with the recommendations from the members and allocate the remaining FTE at the next meeting.

Discussion on the motion:

14:30:10 Ms. Weiss summarized the motion and recommendations to the committee work plan.
14:34:31 Sen. Gross
14:35:40 Sen. Regier

Vote:

14:36:02 Carried unanimously by voice vote.
14:36:25 Sen. Esp asked Ms. Weiss what would be first priority tasks on the work plan for the committee.
14:38:23 Sen. Esp commented on public comment testimony deadlines. The deadline to sign up to provide Zoom testimony and also to submit written comments is 5 pm the day before the meeting.
14:39:24 Committee discussion on meeting dates

ADJOURNMENT

Adjournment: 14:45:00

Committee information request follow ups:

[DOC follow-up](#)

[DOJ follow-up](#)

[MBCC follow-up](#)

[OPD follow-up](#)

[Public comment](#) received 6/29 and 6/30