



LAW AND JUSTICE INTERIM COMMITTEE

68th Montana Legislature

SENATE MEMBERS

John Esp
Chris Friedel
Ryan Lynch
Keith Regier

HOUSE MEMBERS

Jodee Etchart
Donavon Hawk
Caleb Hinkle
Amy Regier

COMMITTEE STAFF

Julianne Burkhardt - Staff Attorney
Rachel Weiss - Research Analyst
Daniel Rosenberg - Secretary

MINUTES LOG

February 20, 2024
Capitol Room 137
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:

Rep. Amy Regier, Chair (R)
Rep. Donavon Hawk, Vice Chair (D)
Sen. John Esp (R)
Rep. Jodee Etchart (R)
Sen. Chris Friedel (R)
Rep. Caleb Hinkle (R)
Sen. Ryan Lynch (D)
Sen. Keith Regier (R)

MEMBERS EXCUSED:

MEMBERS ABSENT:

STAFF PRESENT:

Julianne Burkhardt, Staff Attorney
Rachel Weiss, Research Analyst
Daniel Rosenberg, Secretary

AGENDA ([Attachment 1](#))

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

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

09:02:16 Presiding Officer Amy Regier called the meeting to order at 9:02 AM. The committee secretary took roll.

MEETING OVERVIEW/ ADMINISTRATIVE MATTERS

Review Agenda

09:03:14 Rachel Weiss, Research Analyst, Legislative Services Division (LSD)

PROBLEM-SOLVING COURTS

Overview

09:04:51 Beth McLaughlin, Court Administrator, Office of the Court Administrator

[EXHIBIT 1](#)

09:12:21 Hon. Mary J. Knisely, 13th Judicial District Court

[EXHIBIT 2](#)

[EXHIBIT 3](#)

[EXHIBIT 4](#)

09:28:52 Beth McLaughlin

09:35:38 Hon. Mary J. Knisely

09:37:05 Beth McLaughlin

09:40:01 Hon. Mary J. Knisely

09:43:01 Beth McLaughlin

Public Comment

09:45:21 Dr. Gary Mihelish, Helena

09:49:26 May Simmons, Polson

Committee Questions / Discussion

09:52:53 Vice Presiding Officer Hawk

09:53:20 Hon. Mary J. Knisely

09:53:55 Beth McLaughlin

09:54:11 Vice Presiding Officer Hawk

09:54:28 Hon. Mary J. Knisely

09:55:21 Sen. Friedel

09:56:21 Hon. Mary J. Knisely

09:57:19 Beth McLaughlin

09:58:16 Sen. Friedel

09:58:31 Beth McLaughlin

09:58:39 Sen. Friedel

09:59:20 Hon. Mary J. Knisely

09:59:56 Sen. Friedel

10:00:33 Hon. Mary J. Knisely

10:01:00 Sen. Friedel
 10:01:13 Beth McLaughlin
 10:01:56 Sen. Regier
 10:02:22 Hon. Mary J. Knisely
 10:04:12 Sen. Regier
 10:04:22 Hon. Mary J. Knisely
 10:04:53 Sen. Regier
 10:05:01 Beth McLaughlin
 10:05:35 Sen. Regier
 10:05:46 Beth McLaughlin
 10:07:02 Sen. Regier
 10:07:13 Beth McLaughlin
 10:07:23 Hon. Mary J. Knisely
 10:09:22 Sen. Regier
 10:09:32 Sen. Esp
 10:09:54 Hon. Mary J. Knisely
 10:10:40 Sen. Esp

Discussion and Next Steps

10:11:25 Sen. Friedel

AGENCY UPDATES - DEPARTMENT OF CORRECTIONS (DOC)

10:12:22 Cynthia Wolken, Deputy Director, DOC
 10:12:48 Dan Villa, Executive Director, Board of Investments
[EXHIBIT 5](#) (PowerPoint Presentation)

Public Comment

10:20:17 None

Committee Questions / Discussion

10:20:25 Sen. Regier
 10:20:49 Dan Villa
 10:21:28 Sen. Regier
 10:22:30 Dan Villa
 10:22:53 Vice Presiding Officer Hawk
 10:22:58 Dan Villa

Updates on Workforce Housing and Temporary Prison Beds

10:23:43 Brian Gootkin, Director, DOC
[EXHIBIT 6](#) (PowerPoint Presentation)

Public Comment

10:33:58 May Simmons, Polson

10:39:32 Randall Knowles, Great Falls

Committee Questions / Discussion

10:41:15 Sen. Esp

10:41:37 Brian Gootkin

10:42:41 Sen. Esp

10:43:37 Sen. Friedel

RECESS

10:43:52 Reconvened at 11:01 a.m.

MONTANA JAILS AND PEER REVIEW PROGRAMS

11:02:18 Jason Kowalski, Peer Review Coordinator, Montana Association of Counties

11:12:20 Jennifer Root, Jail Commander, Flathead County Sheriffs Office

11:17:26 Sam Bofto, Undersheriff, Yellowstone County Sheriffs Office

11:23:13 Jason Kowalski

Committee Questions / Discussion

11:25:50 Sen. Friedel

11:26:19 Jason Kowalski

11:27:29 Sen. Friedel

11:27:53 Jennifer Root

11:28:42 Sen. Friedel

11:29:20 Jason Kowalski

11:30:04 Sam Bofto

11:32:05 Sen. Regier

11:32:26 Jason Kowalski

11:32:47 Sen. Esp

11:33:47 Sam Bofto

11:34:32 Sen. Friedel

11:35:13 Sen. Esp

11:35:49 Sen. Friedel

11:36:31 Jason Kowalski

11:37:20 Jennifer Root

11:37:58 Sam Bofto

Public Comment

11:39:11 Dr. Gary Mihelish

11:42:15 Nanette Gilbertson, Executive Director, Montana Sheriffs and Peace Officers Association

11:44:36 May Simmons

RECESS

11:50:10 Reconvened at 1:01 p.m.

SJ 31: STUDY OF ATTORNEY REGULATION AND THE STATE BAR**Alternative Pathways to Bar Admission**

13:02:17 Martin Pritikin, Dean, Purdue Global Law School
[EXHIBIT 7](#)

13:16:57 Elaine M. Gagliardi, Dean, University of Montana School of Law
[EXHIBIT 8](#)

13:28:18 Steven Bahls, Council Member, Section of Legal Education and Admissions to
the Bar of the American Bar Association
[EXHIBIT 9](#)

Public Comment

13:37:10 Bruce Spencer, State Bar of Montana

13:38:51 Don Cape, Alumni of Purdue Law School

13:40:50 Sen. Lynch rejoined the meeting via Zoom.

13:46:05 May Simmons

Committee Questions / Discussion

13:51:11 Sen. Regier

13:51:34 Steven Bahls

13:51:40 Sen. Regier

13:51:52 Steven Bahls

13:52:25 Sen. Friedel

13:52:55 Martin Pritikin

13:53:10 Bruce Spencer

13:54:39 Sen. Friedel

13:55:34 Steven Bahls

13:56:16 Sen. Friedel

13:58:35 Steven Bahls

13:59:32 Sen. Friedel

13:59:51 Steven Bahls

14:00:15 Martin Pritikin

14:01:24 Vice Presiding Officer Hawk

14:02:08 Martin Pritikin

14:03:49 Vice Presiding Officer Hawk

14:03:56 Martin Pritikin

14:04:26 Bruce Spencer

14:04:56 Sen. Regier

14:05:03 Bruce Spencer

14:05:15 Sen. Esp

14:05:24 Bruce Spencer

CIVIL AND FORENSIC COMMITMENTS (HB 872 COMMISSION REQUEST)

Work Group Presentation

14:07:09 Julianne Burkhardt, Staff Attorney, LSD
14:08:49 Hon. Amy Eddy, 11th Judicial District (Flathead County)
[EXHIBIT 10](#)
14:26:34 Chad Parker, Deputy Chief Legal Counsel, Department of Public Health and Human Services
14:43:14 Dr. Laura Kirsch, Ph.D, Board-Certified Forensic Psychologist
[EXHIBIT 11](#)
15:02:37 Brian Smith, Public Defender Division Administrator, Office of State Public Defender
15:12:04 Brett Irigoin, Attorney, Dawson County
15:25:10 Sen. Esp
15:25:23 Julianne Burkhardt

Public Comment

15:25:42 Dr. Gary Mihelish
15:28:08 Matt Kuntz, Executive Director, National Alliance on Mental Illness
15:31:00 Josh Butterfly, Prayer Warriors Tribal Council
15:34:09 Nanette Gilbertson, Montana County Attorneys Association
15:35:26 May Simmons

Committee Questions / Discussion

15:38:08 Presiding Officer Regier
15:38:33 Dr. Laura Kirsch
15:39:40 Presiding Officer Regier
15:39:45 Dr. Laura Kirsch
15:40:24 Sen. Esp
15:41:36 Chad Parker
15:44:55 Sen. Esp
15:45:58 Chad Parker
15:46:34 Sen. Regier
15:46:46 Dr. Laura Kirsch
15:47:29 Sen. Regier
15:48:24 Dr. Laura Kirsch
15:49:21 Sen. Regier
15:49:44 Dr. Laura Kirsch
15:50:13 Sen. Regier
15:50:38 Hon. Amy Eddy
15:53:18 Rep. Etchart
15:53:39 Dr. Laura Kirsch
15:54:59 Sen. Esp

15:55:14 Hon. Amy Eddy
15:56:22 Sen. Esp
15:56:52 Rep. Etchart
15:57:18 Sen. Regier
15:57:40 Julianne Burkhardt

RECESS

15:58:30 Reconvened at 4:18 p.m.

FACIAL RECOGNITION TECHNOLOGY (FRT)

FRT Use by Law Enforcement

16:19:33 Bryan Gortmaker, Supervisor, Montana Analysis and Technical Information Center

FRT Use in Montana Schools

16:23:41 Rob Stutz, Chief Legal Counsel, Office of Public Instruction
16:26:55 Kris Goss, Director of Policy Services/Senior Counsel, Montana School Board Association

Overview of Other States' Privacy Legislation

16:33:16 Laura Sherley, Research Assistant, LSD
[EXHIBIT 12](#)

Public Comment

16:37:16 Don Cape, Center for Safety and Justice
16:46:06 E.J. Redding

Committee Questions / Discussion

16:50:15 Rep. Hinkle
16:51:02 Kris Goss
16:52:37 Sen. Esp
16:53:14 Rachel Weiss
16:53:24 Sen. Friedel

RECESS

16:55:32 Committee will reconvene on the following day.