



## **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 - Attorney  
Sara Hess - Research Analyst  
Jolanda Songer - Secretary

# **MINUTES LOG**

November 15, 2023

Room 102

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)  
Sen. Ryan Lynch (D)  
Sen. Keith Regier (R)

#### **MEMBERS EXCUSED:**

Rep. Caleb Hinkle (R)

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

Julianne Burkhardt, Attorney  
Sara Hess, Research Analyst  
Jolanda Songer, Secretary

#### **AGENDA ([Attachment 1](#))**

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

### **CALL TO ORDER/ROLL CALL**

09:30:27 Presiding Officer Regier called the meeting to order at 9:30 a.m. The committee secretary took roll.

### **MEETING OVERVIEW/ADMINISTRATIVE MATTERS**

09:31:11 Sara Hess, Research Analyst  
[EXHIBIT 1](#)

### **SJ31: STUDY OF ATTORNEY REGULATION AND THE STATE BAR**

#### **Background and Overview**

09:35:14 Sara Hess  
[EXHIBIT 2](#)  
[EXHIBIT 3](#)  
[EXHIBIT 4](#)  
[EXHIBIT 5](#)

#### **Questions from Committee**

09:51:38 Sen. Esp

#### **Background and Overview – Continued**

09:52:15 Sara Hess  
[EXHIBIT 6](#) (Page 7)

#### **Stakeholder Input**

09:56:56 Bruce Spencer, Lobbyist, State Bar of Montana

09:57:51 John Mudd, Executive Director and General Counsel, State Bar of Montana

10:17:36 Bruce Spencer  
[EXHIBIT 7](#)

#### **Questions from the Committee**

10:24:36 Sen. Regier directed a question to John Mudd

10:30:18 Sen. Regier directed a question to Bruce Spencer

10:31:09 Sen. Friedel directed a question to John Mudd

10:35:53 Sara Hess  
[EXHIBIT 8](#) (Page 1 & 2)

10:37:22 Sen. Esp directed a question to John Mudd  
[EXHIBIT 9](#)

10:44:07 Sara Hess answered Sen. Esp's question regarding the record of attorney's who have been disciplined.

10:44:52 Presiding Officer Regier directed a question to John Mudd.

10:47:29 Sen Friedel directed a question to John Mudd.

10:48:16 Bruce Spencer

**Public Comment**

10:50:08 Marty Pritikin, Dean and Vice President, Purdue Global Law School

10:54:31 Steve Cape, Executive Director, Coalition for Safety and Justice

10:56:50 May Simmons

**Discussion and Next Steps**

11:03:10 Sen. Friedel

11:04:01 Sara Hess

**OVERVIEW OF MONTANA LAW ENFORCEMENT ACADEMY**

11:05:30 Attorney General Knudsen

11:13:21 Joel Wendland, Executive Director

[EXHIBIT 10](#)

**Questions from Committee**

11:30:21 Sen. Regier directed a question to Attorney General Knudsen

11:34:01 Will Selph, Chief of Staff, DOJ

11:35:27 Sen. Friedel directed a question to Attorney General Knudsen

11:40:45 Will Selph, DOJ

11:43:59 Sen. Esp

11:45:19 Attorney General Knudsen

**Public Comment**

11:45:48 None

**HB 697: STUDY OF POST COUNCIL**

**Follow-Up Items from September**

11:46:04 Sara Hess

[EXHIBIT 11](#)

**POST update and Overview of Report**

11:51:41 Timothy Allred, Executive Director, Montana Post Council

12:00:49 Sheriff Slaughter, Chair, Montana POST Council

**Public Comment**

12:01:19 Will Selph, DOJ

12:05:09 Allen Doane, DOJ

12:06:13 Dan Smith, Executive Director, Montana Police Protective Association

12:07:51 Shelby DeMars, Montana Police Protective Association

### **RECESS**

12:08:24 Reconvened at 13:14:32

### **AGENCY UPDATES**

#### **Administrative Rule Review**

13:14:45 Julianne Burkhardt, Staff Attorney

[EXHIBIT 12](#)

#### **Department of Corrections**

13:18:53 Cynthia Wolken, Deputy Director

[EXHIBIT 13](#)

#### **Questions from the Committee**

13:28:41 Sen. Friedel

13:31:47 Scott Eychner, Rehabilitation & Programs Chief, DOC

13:33:08 Sen. Regier

13:34:13 Rep. Etchart

#### **Department of Justice**

13:36:37 Alan Doane

13:40:32 Attorney General Knudsen

#### **Questions from the Committee**

13:46:25 Sen. Friedel

13:46:53 Attorney General Knudsen

#### **Public Comment**

13:47:17 None

### **STUDY OF CIVIL AND CRIMINAL COMMITMENTS (HB 872 Commission Request)**

#### **Overview of Study Approach**

13:47:58 Sara Hess

#### **Statutory Review of Commitment Processes**

13:49:38 Julianne Burkhardt, Staff Attorney

[EXHIBIT 14](#)

[EXHIBIT 15](#)

14:08:58 Sara Hess

[EXHIBIT 16](#)

### **Questions from the Committee**

14:11:28 Sen. Esp

14:14:00 Chad Parker, Deputy Chief Legal Counsel, DPHHS

### **Public Comment**

14:24:12 Matt Kuntz, Executive Director, NAMI

14:28:06 Dr. Sarah Baxter, Clinical and Forensic Psychologist, Member of Montana Psychological Association (MPA) and Chair of the Legislative Committee of the MPA.

### **Discussion and Next Steps**

14:29:24 Sen. Lynch

14:30:04 Sen. Esp directed a question to Julianne Burkhardt

14:31:22 Sen. Lynch

14:31:53 Julianne Burkhardt

14:32:44 Sen. Esp

### **Motion**

14:33:23 Sen. Esp moved to adopt the workplan idea.

### **Vote**

14:33:29 The motion carried unanimously by voice vote.

## **FACIAL RECOGNITION TECHNOLOGY TOPIC**

### **Outline of Study Options**

14:33:45 Sara Hess  
[EXHIBIT 17](#)

### **Public Comment**

14:36:53 Steve Cape, Government Affairs, Coalition for Safety and Justice  
[EXHIBIT 18](#)

### **Questions from the Committee**

14:41:46 Sen. Friedel directed a question to Steve Cape.

### **RECESS**

14:59:57 Reconvened at 15:04:18

## **HB 676 - REVISE LAWS TO CLARIFY FUNDAMENTAL PARENTAL RIGHTS (Committee request)**

15:05:31 Sen. Regier  
[EXHIBIT 19](#)  
[EXHIBIT 20](#)

[EXHIBIT 21](#)

**Questions from the Committee**

15:07:54 Sen. Friedel

15:08:49 Julianne Burkhardt

15:10:04 Sen. Regier directed a question to Sara Hess.

15:10:37 Julianne Burkhardt

15:11:39 Sen. Regier

15:11:57 Sen. Lynch

**Motion**

15:12:15 Sen. Regier moved to adopt the amendments prepared by Maddie Krezowski.  
[EXHIBIT 21](#)

**Vote**

15:13:15 The motion carried unanimously by voice vote.

**PUBLIC COMMENT ON ANY ITEM IN LJIC'S SUBJECT MATTER JURISTITION**

15:12:36 None

**COMMITTEE WORK SESSION**

**Staff to Review Meeting Chart and Next Steps**

15:12:50 Sara Hess asked the committee's input regarding Agency Oversight.  
[EXHIBIT 1](#)

15:14:36 Rep. Etchart

15:15:05 Sen. Esp

15:15:25 Sen. Lynch

15:16:14 Sen. Esp

15:17:15 Sara Hess asked the committee's input regarding the State Bar Study.

15:18:39 Sen. Esp

15:19:29 Presiding Officer Regier

15:19:58 Sen. Friedel

15:20:26 Julianne Burkhardt

15:21:35 Sara Hess

15:21:54	Julianne Burkhardt
15:22:19	Sara Hess asked the committee's input regarding Facial Recognition Technology.
15:23:06	Sen. Friedel
15:24:08	Presiding Officer Regier
15:24:32	Sara Hess
15:25:05	Sara Hess asked the committee's input regarding Data on Jails, and Civil/Forensic Commitments.
15:26:12	Julianne Burkhardt
15:28:21	Sara Hess
15:29:03	Sen. Esp
15:30:05	Julianne Burkhardt
15:31:56	Sen. Esp
15:33:40	Sara Hess asked the committee's input regarding the Care Campus in Rapid City, HB 423, SB 95, and about their interest in touring the Montana Law Enforcement Academy in Helena.
15:36:25	Presiding Officer Regier
16:36:34	Sen. Regier
15:37:04	Sara Hess asked the committee about their interest in touring the Crossroads Correctional Center in Shelby.
15:38:24	Sen. Esp
15:38:53	Sara Hess
15:39:48	Sen. Esp

# **ADJOURNMENT**

15:40:27 Presiding Officer Regier at 3:40 p.m.