



## **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**

Sara Hess - Research Analyst  
Julianne Burkhardt, Attorney  
Bethany McDowell James - Secretary

# **MINUTES LOG**

July 24, 2023  
Capitol Room 137 & 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 (R)  
Rep. Jodee Etchart (R)  
Sen. Chris Friedel (R)  
Rep. Donavon Hawk, Vice Chair (D)  
Rep. Caleb Hinkle (R)  
Sen. Ryan Lynch (D)  
Rep. Amy Regier, Chair (R)  
Sen. Keith Regier (R)

#### **MEMBERS EXCUSED:**

#### **STAFF PRESENT:**

Sara Hess, Research Analyst  
Julianne Burkhardt, Attorney  
Bethany McDowell James,  
Secretary

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

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

## **COMMITTEE ACTION**

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

09:00:37 Sen. John Esp called the meeting to order at 9:00 AM. The committee secretary took roll.

### **INTRODUCTION OF COMMITTEE MEMBERS AND STAFF**

09:01:17 Introductions began.

### **ELECTION OF OFFICERS**

09:04:00 Sen. Esp nominated Rep. Amy Regier as Presiding Officer for LJIC.

#### **Vote**

09:04:25 The nomination passed by unanimous voice vote.

### **ELECTION OF OFFICERS**

09:04:39 Sen. Regier nominated Rep. Donavon Hawk as Vice Presiding Officer of LJIC.

#### **Vote**

09:05:06 The nomination passed by unanimous voice vote.

### **RECESS**

9:05:23 Reconvened at 9:06:48

## **ADMINISTRATIVE MATTERS**

09:06:55 Sara Hess, Lead Committee Staff

09:09:29 Julianne Burkhardt, Committee Staff Attorney

09:10:32 Bethany McDowell James, Committee Staff Secretary

### **Committee Budget and Website Overview**

09:10:49 Sara Hess

### **Committee Questions/Discussion**

09:14:28 Sen. Esp

### **Rules, Procedures, and Guidelines for Interim Committees**

09:15:14 Sara Hess

[EXHIBIT1](#)

### **Committee Questions/Discussion**

09:19:34 Sen. Regier

09:20:09 Sen. Esp

09:22:32 Sara Hess

09:23:28 Rep. Regier

09:23:34 Sen. Esp

### **Summary of 2023 Law and Justice Legislation**

09:24:47 Sara Hess

[EXHIBIT2](#)

## **AGENCY OVERSIGHT**

### **Office of Court Administrator**

09:25:35 Beth McLaughlin, Supreme Court Administrator  
[EXHIBIT3](#)

### **Department of Justice (DOJ)**

09:33:26 Alan Doane, Legislative Liaison, DOJ

### **Committee Questions/Discussion**

09:39:27 Sen. Esp

### **Office of State Public Defender (OPD)**

09:40:24 Brett Schandelson, Director, OPD

### **Committee Questions/Discussion**

09:48:01 Sen. Regier

09:50:45 Sen. Friedel

### **Department of Corrections (DOC)**

09:54:20 Cynthia Wolken, Deputy Director, DOC  
[EXHIBIT4](#)

### **Committee Questions/Discussion**

10:00:29 Sen. Regier

10:01:53 Rep. Hawk

10:04:48 Sen. Esp

10:06:40 Rep. Hawk

10:07:08 Sen. Esp

### **Board of Crime Control (MBCC)**

10:08:18 Sheriff Leo Dutton, MBCC Chair

### **Committee Questions/Discussion**

10:16:58 Sen. Regier

10:19:12 Sen. Esp

### **Public Officer Standards and Training (POST) Council**

10:20:08 Sheriff Jesse Slaughter, Chair, POST Council

10:21:52 Timothy Allred, Executive Director, POST Council  
[EXHIBIT5](#)

### **Committee Questions/Discussion**

10:31:17 Sen. Friedel

10:34:33 Sen. Esp (See exhibit 5)

## **OVERVIEW OF DRAFT WORK PLAN AND ADMINISTRATIVE RULE REVIEW**

10:36:42 Sara Hess

**Administrative Rule Review**

10:37:00 Julianne Burkhardt  
[EXHIBIT6](#)

**Committee Questions/Discussion**

10:46:54 Sen. Esp

**Administrative Rule Review, Continued**

10:47:56 Julianne Burkhardt  
[EXHIBIT7](#)

**Statutory Duties**

10:50:06 Sara Hess  
[EXHIBIT8](#)  
10:55:18 Julianne Burkhardt

**Committee Questions/Discussion**

11:00:13 Sen. Esp

**RECESS**

11:00:38 Reconvened at 11:16:00

**Public Comment on Agency Oversight**

11:16:06 Denise Johnson, Montana Child Protection Alliance

**Brief Overview of Study Options**

11:17:51 Sara Hess (See exhibit 8)  
[EXHIBIT9](#)  
11:31:02 Rep. Regier on facial recognition technology.  
11:31:44 Sen. Regier  
11:32:28 Sen. Friedel on artificial intelligence.  
11:33:22 Sara Hess  
11:33:45 Sen. Friedel on special courts/problem-solving courts.  
11:35:46 Sara Hess  
11:37:00 Sen. Friedel on Judicial appointments.  
11:40:03 Sen. Esp  
11:41:44 Sara Hess  
11:42:18 Rep. Hinkle on Parental Alienation Syndrome.  
11:43:50 Sara Hess  
11:45:09 Sen. Regier on revising sentencing laws for theft.  
11:46:26 Sen. Esp  
11:46:59 Sara Hess  
11:48:14 Sen. Lynch on data on jails in Montana.  
11:48:54 Sen. Regier on determining FTE options for each potential topic.  
11:51:45 Sara Hess (See exhibit 8)

### **Committee Questions/Discussion**

11:58:08 Sen. Esp on the audit on the Judicial Standards Commission.

### **Public Comment on the Work Plan**

11:59:14 Nanette Gilbertson, Montana County Attorneys' Association and Montana Sheriffs and Peace Officers Association  
12:01:33 Bruce Spencer, State Bar of Montana  
12:03:47 Nicole Gomez, Montana Women Vote  
[EXHIBIT10](#)  
12:05:08 Matt Kuntz, National Alliance on Mental Illness (NAMI) Montana  
12:07:50 Amy Sings In The Timber, Montana Innocence Project  
12:09:51 Denise Johnson, Montana Child Protection Alliance  
[EXHIBIT11](#)  
12:13:35 Glen Fowler

### **Committee Questions/Discussion**

12:13:53 Sen. Esp, to Amy Sings In The Timber.  
12:15:44 Rep. Regier  
12:16:09 Sara Hess  
[EXHIBIT12](#)

### **RECESS FOR LUNCH and Committee Field Trip**

12:16:37 Reconvened at 15:00:02

### **Public Comment on Detention Center Tour and Items within LJIC's jurisdiction but not on the agenda**

15:00:21 Erin McGowan, Montana Community Corrections Association

### **COMMITTEE WORK SESSION**

15:02:31 Sara Hess (See exhibit 9)  
15:05:37 Sen. Esp  
15:06:23 Rep. Hinkle  
15:07:02 Sen. Regier on statutory duties.  
15:07:29 Sen. Friedel

### **Committee Action - Motion/Vote**

15:07:49 Sen. Regier moved to allocate the minimum FTE time for statutory duties.

### **Committee Action - Motion/Vote**

15:07:59 Motion carried by unanimous voice vote. Rep. Etchart was not present for the vote.

### **COMMITTEE WORK SESSION, Continued**

15:08:16 Rep. Regier on HB 697.  
[EXHIBIT13](#)  
15:09:58 Sen. Friedel  
15:10:00 Sen. Esp

15:10:34	Sen. Regier
15:11:02	Rep. Regier
15:12:03	Sara Hess
15:12:09	Rep. Regier
15:12:33	Sen. Friedel on SB 95. (See exhibit 8)
15:13:30	Sen. Regier
15:14:00	Sara Hess
15:14:27	Sen. Regier
15:14:59	Sen. Friedel
15:15:48	Rep. Hinkle on Parental Alienation Syndrome.
15:16:35	Rep. Hawk
15:16:56	Sen. Esp
15:17:34	Rep. Hinkle
15:17:46	Sen. Esp
15:18:23	Rep. Hinkle
15:18:54	Sen. Esp
15:19:29	Julianne Burkhardt
15:20:09	Sen. Esp
15:20:55	Rep. Regier
15:21:07	Sen. Friedel on Judicial appointments.
15:22:06	Sen. Regier
15:22:42	Sen. Esp on Julianne Burkhardt preparing a memo on governor's judicial appointments.
15:23:16	Sen. Friedel on problem-solving courts.
15:25:13	Rep. Regier on facial recognition technology.
15:25:37	Sen. Friedel
15:26:40	Rep. Hinkle
15:26:46	Rep. Hawk on including artificial intelligence in the facial recognition technology study topic.
15:27:40	Sen. Esp
15:28:29	Sen. Regier
15:29:02	Rep. Regier
15:29:24	Sen. Lynch on data on jails in Montana and HB 423.
15:31:08	Sen. Friedel
15:31:58	Sen. Esp
15:32:19	Sara Hess
15:33:12	Sen. Regier on SJ 31 Study of Attorney Regulation and State Bar.
15:34:53	Sen. Esp
15:35:19	Rep. Hinkle
15:35:25	Sen. Esp

15:38:44 Sen. Regier

15:38:49 Sen. Friedel

**Motion**

15:40:50 Sen. Esp moved to adopt the work plan with room to discuss the Judicial Standards Commission Audit, if necessary.

**Vote**

15:41:29 Motion carried by unanimous voice vote.

**COMMITTEE WORK SESSION, Continued**

15:42:33 Rep. Regier

15:42:38 Sen. Esp

15:42:42 Sen. Friedel

15:43:25 Rep. Regier on meeting dates.

15:43:45 Sara Hess

15:46:13 Sen. Friedel

15:48:01 Rep. Hinkle

15:49:42 Sen. Regier

**Motion**

15:50:17 Sen. Esp moved to adopt the future meeting dates. (See exhibit 8)

**Vote**

15:50:35 Motion carried by unanimous voice vote.

**COMMITTEE WORK SESSION, Continued**

15:50:40 Sen. Regier (See exhibit 5)

15:51:33 Sara Hess

**ADJOURNMENT**

15:51:43 Rep. Regier adjourned the meeting at 3:51PM.