

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ)

Helena, MT – via ZOOM

March 19, 2021

Members Participating In-person, Via Telephone or Video: Hon. Perry Miller, Hon. Steve Bolstad, Hon. Holly Frederickson, Peggy Tonon, Hon. Kelly Mantooth, Tina Reinicke, Hon. Jessie Connolly, Hon. Jim Rice, Hon. Steve Fagenstrom, Hon. Heidi Ulbricht, Scott Twito and Brian Smith.

Members Absent: Charlie Harball.

Staff Present: Shauna Ryan

Guests: None

Judge Miller called the meeting to order at 8:30 a.m.

OLD BUSINESS:

Minutes

The minutes from the meeting on January 22, 2021, were reviewed. Scott Twito moved that the minutes be approved. Judge Connolly seconded the motion and it carried unanimously.

Clerks Conference

Tina Reinicke indicated that clerks across the state were seeking guidance on dismissing charges related to recreational marijuana laws and what all case or charge sets that includes. For example, how are charges handled in cases where an individual is tried in absentia and has not yet been sentenced? If we have an open slot on the conference agenda this would be a good topic to fill it.

NEW BUSINESS:

Courthouse Security Survey for Courts of Limited Jurisdiction

Judge Beal explained that Judge Vannatta had put together a survey for the district court judges on courthouse security which was then distributed by the State Bar. Judge Vannatta asked Judge Beal if he could send the survey out to the limited court judges. Judge Beal indicated that 64 limited court judges responded to the survey. What caught Judge Beal's attention was the sheer number of judges that have had or witnessed a significant security incident in the last couple of years. The State Bar has taken the lead on this issue and Mr. Mudd and Beth McLaughlin are moving this in front of the legislative committee in terms of budget, with the hopes that this will be part of an interim study committee to address court security concerns and the associated funding issues. There is no expectation that a whole lot will occur this session but hopefully more will come down the road. The results from Survey Monkey were forwarded to the Commission members. Scott Twito indicated that Yellowstone County has a model order he will send to Shauna for distribution to the courts. He's happy to help anyone in terms of what they've done in Yellowstone County to secure their courthouse and court rooms. Judge Mantooth said there is a statute pertaining to city and municipal courts which says the chief of

police is the point of contact for those courts. Judge Frederickson and Judge Ulbricht both said they have standing orders in their districts too. Peggy Tonon suggested that those that have standing orders forward them to Shauna to distribute to the Commission members. The Commission will continue to monitor this courtroom security issue and how certain bills progress through the session.

Spring 2021 Conference – Update

Shauna Ryan reported that all presenters had been confirmed, apart from the gender identity/preferred pronouns session on Thursday, April 29th. Staff from the Montana Human Rights Network had agreed to cover it but recently advised that the designated presenter was not comfortable teaching in-person. Scott Twito recommended a local pastor in Billings who had provided similar training to his management staff a couple of years ago. He will forward that contact information to Shauna.

Legislative Update

Judge Mantooth gave a quick update on bills moving through the session that impact the courts of limited jurisdiction. LC2621 – a companion bill that comes in under HB 2, dealing with Section D (courts and judiciary); SB 365 – DUI laws – no significant changes other than placing most of the DUI laws, sentencing, etc. into one section; HJ 23 – Electronic Legal Material Act Study – deals with the public access to legal materials - was tabled in committee; HB 436 – provides that carrying of a concealed weapon in a publicly owned and occupied building may not be limited by local government – tabled in committee; SB 271 – allows judicial candidates to announce endorsements – bill was tabled but came back to life; HB 430 – deals with landlord tenant laws and limits the ability of the government to restrict evictions; SB 366 – Judicial Standards Commission – tabled in committee; HB 355 – partisan elections – missed transmittal deadline; SB 127 – eliminates the ability of a municipal court judge to appoint a part-time municipal court judge – flew through committee – won't take effect until one year after signage; HB 632 – American Rescue Plan – backed by the 3 joint subcommittees to plan how to spend nearly 2 trillion dollars; SB 361 – certificate of rehabilitation – mostly affects the district court judges. Scott Twito drafted amendments that were ultimately approved that would limit the workload to county attorneys and district courts. The passage of the bill would still affect the courts of limited jurisdiction. One of the provisions in the amendment says if a person was previously issued a certificate of rehabilitation and is subsequently convicted of a misdemeanor then those courts will have to issue a notice during sentencing that any rehabilitation certificates issued are automatically revoked. Scott will send copies of the bill amendments to Shauna for distribution to the members.

Notification and Certification of Election or Appointment of a Justice of the Peace, City Judge, or Municipal Judge

Hon. Cody Shaw – Conrad City Court (replaced Judge Rapkoch)

Hon. Tom Collins – Thompson Falls City Court (replaced Judge Strine)

Request for Waiver of Training for Spring 2021 COLJ Conference

Hon. Andrew Breuner, Hon. Paul Sullivan, Hon. Kathleen Jenks, Hon. Alex Beal, Hon. Dennis Loveless, Hon. Steve Andersen, Hon. Lauri Cary, Hon. Mary Jolley, Hon. Lynn Gilbert, Hon. Janie Hedstrom, Hon. Jay Sheffield, Hon. Wm. Hileman, Hon. Landee Holloway, Hon. Sam Warren, Hon. Ethan Lerman, and Hon. Holly Happe – On behalf of the waiver committee, Peggy Tonon recommended the waiver requests be approved. The Commission concurred.

Personal Attendance at Conference

Judge Fagenstrom suggested the Commission prepare to discuss whether personal attendance at statutorily required training is required. Commission discussion followed. Judge Fagenstrom moved this matter be tabled until after the spring conference. Judge Mantooth seconded the motion and it carried unanimously. This matter will be addressed further at the Commission meeting in June.

Adjourned: The meeting adjourned at 11:00 a.m.

Next Meeting Date: The next meeting will be Monday, April 26, 2021, at 1:00 p.m. in Billings.

May 23, 2022