

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ)

Helena, MT – via ZOOM

November 20, 2020

Members Participating Via Telephone or Video: Hon. Perry Miller, Hon. Steve Bolstad, Hon. Holly Frederickson, Peggy Tonon, Hon. Kelly Mantooth, Tina Reinicke, Scott Twito, Hon. Jessie Connolly, Charlie Harball, Hon. Heidi Ulbricht, and Hon. Jim Rice.

Members Absent: Hon. Steve Fagenstrom and OPD Division Administrator (TBD).

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 September 21, 2020, were reviewed. Peggy Tonon moved that the minutes be approved. Judge Connolly seconded the motion and it carried unanimously.

NEW BUSINESS:

Summons for Possession – Review Form

Because Ed Higgins from MLSA was unavailable to participate in the meeting today, and more information was needed from the Montana Landlords Association, Peggy Tonon moved that the matter be tabled until the next meeting. Judge Mantooth seconded the motion and it carried unanimously.

Fall 2020 Conference – Survey Monkey Results

The members reviewed the survey monkey results from the Zoom conference. Overall, comments were positive, considering the format. Of course, many preferred in-person training, but some liked the fact they didn't have to travel. Peggy Tonon asked for some additional feedback on the ethics presentation that she and Justice Cotter provided. She asked if there were specific examples of judges blatantly refusing to follow laws they don't like. The next time ethics is covered, is that a topic that should be addressed? The members thought it would be beneficial to cover those issues next time.

Spring 2021 Conference – Draft Agenda

The Commission roughed out an agenda for spring conference in Billings. Shauna Ryan will begin contacting presenters and provide an update at the January meeting.

I-190 Ballot Language – Concerns re: Juveniles

Beth McLaughlin wanted to make the Commission aware that it appears the Youth Court may no longer have jurisdiction over minor in possession of marijuana infractions and that those are now civil tickets, which are enforced by the Department of Revenue. She asked for Jeanine Blaner, the Supreme Court staff attorney's, thoughts on the changes. Although she believes I-190 intended to decriminalize juvenile possession of marijuana because of the amendments to 45-9-102, Ms. Blaner thinks 45-5-624 still provides authority to charge minors in possession of marijuana as a criminal offense because it's an "intoxicating substance".

It will be interesting to see how various law enforcement officers handle these matters and ultimately what the courts do. Beth is also working with the AG's office and will forward along any advice or direction they may provide.

Request for Waiver of Training for Fall 2020 COLJ Conference

Hon. Bert Kraft – On behalf of the waiver committee, Peggy Tonon recommended the waiver request be approved. The Commission concurred.

Request for Waiver of Training for Spring 2021 COLJ Conference

Hon. J. Colleen Herrington – On behalf of the waiver committee, Peggy Tonon recommended the waiver request be approved. The Commission concurred.

Adjourned: The meeting adjourned at 11:10 a.m.

Next Meeting Date: The next meeting will be Friday, January 22, 2021, at 8:30 a.m. in Helena (or via Zoom).

May 23, 2022