

## JUDICIARY COMMITTEE

February 10, 1977

The meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building, Helena, Montana. All members were present.

Scheduled for hearing were House Bills 672, 673 and 691.

HOUSE BILL #672:

REPRESENTATIVE COLBURN, DISTRICT #61:

This bill will permit district judges, when sentencing criminal defendants, to restrict eligibility for parole so that persons with 3 felony convictions and persons who have been convicted of a felony committed while on parole are ineligible for parole. I have an amendment, on page 4, line 8, following: "defendant" insert: "who has been convicted".

OPPONENT, HANK BURGESS, BOARD OF PARDONS:

I am interested in what happens next year. I would hope there would be serious consideration of this bill. I have strong objections to this bill. It would take away the prerogative of the parole board. We would much rather take each case as it appears, take each one individually. We have on the books a public defender law.

REPRESENTATIVE COLBURN:

We don't view this as being blanket legislation. The heinous offender has been getting out on parole. We should have some way to deal with the heinous offender. If someone has committed a felony 3 times it is obvious that he has not learned his lesson.

MR. BURGESS:

I am concerned about the kinds of people we release onto the streets. When we release an offender we have reason to believe that they are changed, but quite often this is not the case.

A discussion followed about court order, the persistent offender as a problem.

The hearing closed on House Bill 672.

THE HEARING OPENED ON HOUSE BILL 673:

REPRESENTATIVE COLBURN, DISTRICT #61:

This bill is merely a refinement on House Bill 4. It will change certain judicial district boundaries and the number of judges in certain districts and create some new judicial districts. The Yellowstone would be a separate district. It changes the location of the judges.

PROPONENT, RALPH HERRIATT, TREASURE COUNTY:

This is not a novel concept, there were two bills introduced to

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create the 19th district, Lincoln and Sanders counties. A comprehensive study will be made and presented to the next session. There is a geographical change. There will be one judge in the 18th and a 4th judge in the 14th district. I do believe the distribution of the judges is a more realistic and more practical and better working area than the other bill. The last time the judicial districts was changed was in 1929. Two counties have really gained in population. We would take 1 county from the 11th district and 1 county from the 14th district to make up the 19th district. 1 county from Stillwater, and 1 county from Carbon to make up the 6th district. He went on and explained how the redistricting was done. He talked about the population increase and the impact of railroad and mining activity.

House Bill 673 does a much better job of distributing the judges than does House Bill 4. He passed out maps showing the districts.

GREG MORGAN, STATE BAR OF MONTANA:

We are opposed to this bill. This suggestion was presented and you should consider the case load. We don't know what the impact will be. Perhaps it should be put into an interim study commission.

MR. HARRIOTT:

It would lend itself much more readily to a better case load.

REPRESENTATIVE RAMIREZ:

What about just putting Treasure County in the 16th district?

CHAIRMAN SCULLY:

The 16th has the smallest case load.

MR. HARRIOTT:

I expect an influx of people into that area.

REPRESENTATIVE DAY:

Asked about the inconvenience of the travel arrangements. The limited area that could be covered with this redistricting.

Discussion about the number of judges in the districts, 1 in the 16th, 1 in the 19th and 1 in the 20th.

The hearing closed on House Bill #673.

THE HEARING OPENED ON HOUSE BILL #691:

SENATOR MENAHAN did not show up for the hearing, he had another commitment.

DONALD ROBLE, MOUNTAIN VIEW SCHOOL:

This bill would prohibit placement of youths alleged to be delinquent or in need of supervision at Pine Hills School or Mountain View School. This would not include children at the Montana Children's Center.

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This would be the child who has not been to court. A youth who is alleged to be a delinquent would be put into a foster home, if one is available or a facility that is under the direction and supervision of the court, etc. I think this should be a local problem and it should be handled at the local level, it should be local to handle a detention problem.

There was some general discussion and the hearing closed on HB 691.

The meeting adjourned at 10:55 a.m.

  
JOHN P. SCULLY, CHAIRMAN

  
Mary Ellen Connelly, Secretary