

JUDICIARY COMMITTEE

March 4, 1977

The regularly scheduled meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. March 4, 1977, in room 436 of the Capitol Building, Helena, Montana. All members were present with the exception of Representatives Kennerly and Colburn.

Scheduled for hearing were Senate Bills 30, 34, 405, 414, 415 and Senate Joint Resolutions 19 and 28. Senate Bill 419 was cancelled at the request of the sponsor Senator Towe, and will be heard at a later date.

THE HEARING OPENED ON SENATE JOINT RESOLUTION 19.

SENATOR LOCKREM, DISTRICT #32:

This bill requests the legislative committee on priorities to assign to an appropriate standing committee a study of legislation to compensate victims of crime and to have the committee report to the 46th legislature. It should not be used to justify killing 357.

PROPONENT, TOM HONZEL, COUNTY ATTORNEYS ASSOCIATION:

We still support that bill but ask that you do give consideration for Senator Lockrem's bill.

REPRESENTATIVE CONROY:

What was the reason for eliminating the portion dealing with the Indians?

SENATOR LOCKREM:

For some reason they felt it was discrimination, and the question of jurisdiction should be encompassed.

There were no further questions and no opponents, the hearing closed on Senate Joint Resolution 19.

THE HEARING OPENED ON SENATE JOINT RESOLUTION #28:

SENATOR THOMAS, DISTRICT #20:

SJR 28 is asking for an interim study on uniform sentencing procedure. This was asked for by Chief Justice Hatfield in his state of the law message.

JUDGE HATFIELD:

Under the criminal justice plan we will be doing the same things and therefore I am in favor of your doing this. The information you are asking for here will be developed.

TOM DOWLING, SHERIFFS AND PEACE OFFICERS:

We support this bill.

TOM HONZEL, COUNTY ATTORNEYS:

We support this resolution. You can readily see there are problems in the present structure of the justice system of the state of

March 4, 1977

Page 2

Montana. I think it is proper to do a study of this. I think most of you are aware that a judge can defer sentencing in a case but in some places they are using deferred prosecution. There are some things that are going on already with or without legislative sanction.

There were no other proponents and no opponents.

SENATOR THOMAS:

We think this is a very important study and I think the state of Montana would benefit.

THE HEARING CLOSED ON SENATE JOINT RESOLUTION #28:

THE HEARING OPENED ON SENATE BILL #405:

SENATOR MEHRENS, DISTRICT #45:

This bill was introduced by request of the state fire marshall.

STATE FIRE MARSHALL:

It was at our request that the Senator introduced the bill. It keeps track of the people in the community who start fires. He suggested an amendment on line 11, page 1, to strike "state fire marshall" and insert "arson".

There were no other proponents and no opponents, and no questions, the hearing closed on Senate Bill #405.

MR. A. J. MURRAY:

I am sorry to be late, but I would like to state my opposition to SJR #19. I have a report in the House Appropriations Committee, "The Victim & Restitution Study".

REPRESENTATIVE CONROY:

If we amended the language back in, would that change your opinion.

MR. MURRAY:

The study included the indian population. He went on to explain the study and the reasoning involved, etc.

CHAIRMAN SCULLY:

I would like to tell you that I talked with Senator Roberts and he said that Senate Bills 414 and 415 are self-explanatory and we, the committee, can do whatever we wish.

THE HEARING OPENED ON SENATE BILL #30:

SENATOR HAZELBAKER, DISTRICT #41:

This is a recod bill and I will let the staff explain it to you.

March 4, 1977

Page 3

JOAN MAYER, LEGISLATIVE COUNSEL:

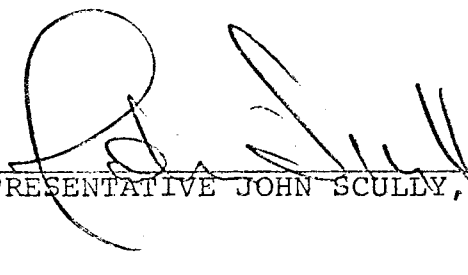
I rewrote this bill to clear it up and to clarify the language. She went through the bill and explained the various sections and what she had done.

SENATE BILL #34:

Joan explained that this was also done, the clarification and rewriting.

CHAIRMAN SCULLY suggested that Joan compile a list of the various sections and what she had done in these two bills and give the copy of the explanation to the committee rather than go through it section by section. This she agreed to do.

The meeting adjourned at 8:45 a.m.



REPRESENTATIVE JOHN SCULLY, CHAIRMAN



Mary Ellen Connelly, Secretary

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

LL SJR 28

Date March 4, 1977

SOR Senator Thomas

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.