

JUDICIARY COMMITTEE
EXECUTIVE SESSION
January 26, 1979

Following the regular meeting the committee went into executive session to take action on pending bills. The meeting was called to order by Chairman Scully at 9:30 a.m. in room 436 of the Capitol Building on Friday, January 26th.

HOUSE BILL NO. 248:

Representative Keedy said he had several amendments that he would propose, on page 3, line 4 and page 3, line 9 and page 4, line 9. Also on page 2, lines 3 and 4 and page 5 lines 21 and succeeding lines and line 22. Then followed discussion about the proposed amendments and about jurisdiction and how much would have to be served of a sentence. Representative Rosenthal said he wanted clarification as to what this bill would do, was he wrong that what this bill would do would affect only a few people now on the furlough system. General discussion about the furlough program, with Representatives Iverson and Daily asking for clarification. Representative Daily asked if they were making it harder to get on the furlough program. Representative Keedy said that in his opinion it would make it impossible. Representative Holmes said that the sentence review board has an average of 6 cases a year, and that in most cases they increased the sentence rather than decreased it.

It was felt that the grid should be the determining factor, and that the 2 years as stated in the bill should be cut out. Representative Keedy stated that the offender must have a designation of a non-dangerous offender before he would be considered for parole. General discussion followed about sentencing discrepancies. Representative Keedy said that with the wide range of discrepancy we have a system for real abuse of sentencing. Then followed discussion about the length of sentence.

Representative Daily moved that the bill be passed for the day. There was much disagreement to the motion and Representative Scully told them they could not speak to the motion. The motion carried to pass for the day.

HOUSE BILL NO. 238:

Representative Conroy moved "do pass" and spoke to his motion. Representative Lory moved to amend page 2, line 23, following "part" strike "1" and insert "6". The motion carried with the vote unanimous.

Discussion about another amendment on page 2, line 19, and line 20, and to strike the remainder of the section. Representative Daily moved to pass for the day and the motion carried.

Representative Teague took the chair in order for Chairman Scully to present a bill in the Senate.

HOUSE BILL NO. 258:

Representative Keyser moved to pass for the day and the motion carried.

After some discussion Representative Lory moved that the members reconsider their action and the motion carried with the vote unanimous.

Representative Lory moved an amendment on Page 1, line 14, following "be" strike "written" and insert "typed or printed" and also on page 1, line 15, following "as" strike, "typed or printed" and insert "written". The motion to amend carried with the vote unanimous.

Representative Keyser moved "do pass as amended" and the motion carried with the vote unanimous.

HOUSE BILL NO. 311:

Representative Daily moved "do pass" and the motion carried with Represent-

tative Uhde voting "no".

HOUSE BILL NO. 335:

Representative Seifert moved "do pass".

Representative Lory moved a substitute motion to pass for the day. The motion carried with Representatives Holmes and Roth voting "no".

HOUSE BILL NO. 322:

Representative Keyser moved "do pass".

Discussion followed about who has the authority to order the vehicle to be removed. The question was called and the motion carried with Representatives Eudaily, Kemmis, and Anderson voting "no".

HOUSE BILL NO. 332:

Representative Seifert moved "do pass".

Representative Holmes moved an amendment on page 2, line 2, following "and" strike "reduced to writing" and insert "transcribed, time and date of the recording".

Representative Iverson moved to divide the amendment and the motion carried with the vote unanimous. The question was called and the motion carried with Representative Lory voting "no". The question was called "do pass as amended" and the motion carried with Representative Kemmis not voting because he had not heard the complete testimony

HOUSE BILL NO. 338:

Representative Lory moved "do pass".

Representative Daily offered a substitute motion to "pass for the day", and the motion failed with five voting "yes". There was general discussion as to whether a fiscal note was required, and the decision was it was not. The question was called and the motion carried with Representative Anderson voting

The meeting adjourned at 10:45.