

JUDICIARY COMMITTEE
EXECUTIVE SESSION
February 16, 1979

Following the regular meeting the Judiciary Committee went into executive session to take action on bills pending. The meeting was called to order by Chairman Scully in room 436 of the Capitol Building at 9:50 a.m.

HOUSE BILL NO. 621:

Representative Keyser moved "do pass".

Representative Roth moved to amend the title and change 5 years to 2 years, which would make it 1981. The motion failed with only Representative Roth voting "yes". Representative Kemmis spoke to the motion, a 2 year base in a state the size of Montana cannot be done. I think you need a decent data base. This bill be up to review and we will have the opportunity to terminate the program. Several other members agreed with this point of view.

The question was called and the motion "do pass" carried with Representative

Roth voting "no".

HOUSE BILL NO. 659:

Representative Lory moved "do pass".

Representative Rosenthal moved a substitute "do not pass". On a roll call vote it was a tie and Representative Daily agreed to change his vote to bring it out of committee do not pass carried 8 to 7.

HOUSE BILL NO. 670:

Representative Lory moved "do pass".

The motion carried with the vote unanimous.

HOUSE BILL NO. 682:

Representative Daily moved "do pass".

Representative Curtiss moved a substitute motion "do not pass". After a heated discussion Representative Curtiss withdrew her motion.

Representative Keyser moved to amend page 5, line 23. (copy attached) He spoke to his motion. Representative Keedy opposed the motion. The motion carried with Representatives Keedy, Lory, Roth and Kemmis voting "no".

Representative Keyser moved to amend page 2, lines 7 and 8. (copy attached) The motion carried with the vote unanimous.

Representative Keedy moved to amend page 2, line 9 and line 11 by inserting on a temporary basis. There was discussion about where to put the amendment and whether to say "on a part-time basis". After discussion Mr. Keedy withdrew his motion. Representative Lory was opposed to the motion.

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

HOUSE BILL NO. 712: Representative Lory moved "do pass". The motion carried with the vote unanimous.

House Bill No. 713: Representative Keyser moved to amend page 2, and strike sections (2) and (3). The motion carried with the vote unanimous.

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

HOUSE BILL NO. 737: Representative Keedy moved "do pass". Representative Eudaily asked for clarification of grievous harm on the top of page 13. Representative Scully discussed serious permanent injury. Representative Keedy discussed substantial risk of death.

Representative Kemmis on line 24, what is the meaning of continued, how long a continuation does that mean? Mr. Keedy said, I don't really know how to answer that. Representative Kemmis, I wonder why you would use prolonged instead of continued. Representative Scully explained his feeling on the difference between prolonged and continued. You can always wind up with a lesser included offense.

Representative Kemmis led a discussion about the bodily injury and mental illness and just what it meant.

The question was called and the motion "do pass" carried with the vote unanimous.

HOUSE BILL NO. 719: Representative Lory moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL NO. 726: Representative Lory moved "do not pass". The motion carried with Representative Conroy voting "no".


HOUSE BILL NO. 341: Representative Keedy moved "do pass". The motion carried with the vote unanimous.

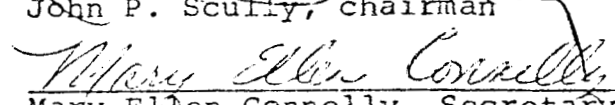
HOUSE BILL NO. 732: Representative Keyser moved "do pass".

Executive session
February 16, 1979
Page 3

The question was raised as to why the year was not 1980, on page 12, lines 11, 12, and 13. It was suggested that 1979 should be struck and 1980 inserted and all the new language should be struck. After much discussion about the meaning of the language on page 2 lines 9 through 13, Representative Eudaily moved to pass consideration for the day, so that it could be clarified. The motion carried with the vote unanimous.

There was no further business to come before the committee and the meeting adjourned at 11:35 a.m.


John P. Scully, chairman


Mary Ellen Connelly, Secretary