

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 7, 1979

The fifty-third meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in room 331 of the capitol building on the above date at 9:31 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF HOUSE BILL 608:

This is an act to provide increased penalties for criminal sale of dangerous drugs in certain circumstances, etc. Representative Gould stated that this was the result of two years culmination of work and talk. He stated they came up with ten years for a second offense and a minimum of twenty years for a third conviction of the criminal sale of drugs and if it is sold to a minor, there is no provision for parole. He stated that if they are convicted the first time, they may have made a mistake, but they must be involved in some type of rehabilitation program, drug-cure program or alcoholic-cure program. He stated the second time they are convicted, it is felt that they are making a business of it and should not be allowed to continue in that business.

Dale Dye, president of the Montana Sheriff's and Peace Officer's Association, stated that in 1978, 41 adults were arrested in his county; in 1976, there were 68 arrests; in 1977 there were 23 arrests and in 1978 there were 41 arrests. He said that of these people arrested, 13 were adult male, 2 were arrested on two charges, 10 were arrested for drug sales, there were 3 felony possession and one for cultivation. He stated that they have never sent a drug offender to the state penitentiary - there have been sales of cocaine and opiates and he stated he yet has to see anyone 'cool their heels' in the pen.

John Bell, representing the Montana Sheriff's and Peace Officer's Association, stated that he hardly agrees with this. He stated that the mandatory penalty is still a little on the high side, but he still was in agreement with this.

There were no further proponents and no opponents.

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Representative Gould stated that on the first offense, there is a mandatory sentence on opiates, but he said there is about six places where you can drive a Mack truck through. He stated that he thought this is good legislation and that a person realizes that if they have a first conviction, they better do their business in Idaho or Washington or some place other than the state of Montana.

Senator Olson questioned Mr. Dye and asked him if he said of all the arrests for sale of hard drugs, you have never sent one to prison. Mr. Dye said that they sent one boy to Swan River after the third conviction and there were some in the county jail, but never in the penitentiary. He said this was apparently from the attitude of the prosecutors and the attitude of the courts. He explained that he believed drug offenses have been soft-pedaled by the courts and that the people are not aware of drug harm as it now exists.

Senator Olson questioned if this bill passes, then it would be mandatory. Mr. Dye stated then it would be mandatory for the second and third offenses. Representative Gould stated it does carry provision for parole unless the sale is to a minor.

Senator Van Valkenburg wondered if Mr. Dye had followed up on these cases, if their sentences had been revoked and they subsequently were sent to prison. Mr. Dye stated that he had and in order to get a violation in my county, we must have a conviction of another felony offense and with a subsequent felony, they receive a suspended sentence.

There being no further questions or comments, the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 611:

This is an act to amend section 61-8-714, MCA, to provide that on a second conviction of driving while intoxicated the person may be punished by imprisonment for a term not more than 30 days. Representative Gould gave a brief explanation of this bill and stated that two years ago, he had the bills that changed most of the driving-while-drinking statutes and set up a driver improvement program, and this threw away many possibilities of

jail on first or second convictions. He stated that they do not want to put anybody in jail, if they know they have a severe alcoholic problem, they want to be able to say that they can get a \$500.00 fine and go to jail for thirty days or suspend the sentence if they will go into some kind of an alcoholic program.

Jim Jensen, representing the Montana Magistrates' Association, stated that second time offenders often do not understand the severity of a second time conviction and this would give them some leverage.

There were no further proponents and no opponents.

Senator Van Valkenburg questioned if there was authority in another section for cities to adopt this as municipal ordinance. Mr. Jensen stated that a judge in Missoula seemed to understand that there was.

Senator Lensink stated that people who get caught in a dwi need treatment and wondered if Representative Gould had any comments. Representative Gould stated that he thought this has to be up to the discretion of the justice of the peace, he should talk with the person and hopefully the family and see if he has any problems.

There were no further questions or comments and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 618:

This is an act to raise the mandatory minimum sentence for deliberate homicide from two years to ten years, restricting deferment or suspension of the mandatory minimum sentences, established in this act, etc. Representative Keedy gave a brief explanation of this bill. He stated that it is quite possible to be sentenced for ten years in prison and serve less than two years time.

There were no further proponents and no opponents.

Senator Van Valkenburg asked him if he was familiar with any particular case where a sentence was like this and Representative Keedy said no.

There were no further questions and comments and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 638:

This is an act to provide for a medical team to investigate medical practices in the state prison, providing for a report containing recommendations for improvements to the department of institutions and the legislature, etc. Representative Azzara gave an explanation of this bill and stated that there were some amendments proposed by the department of administration.

There were no further proponents and no opponents.

Senator Anderson questioned what is the cost going to be and Representative Azzara said that a fiscal note was asked for and that they figured it would be about \$25.00 a day per team of six, and if they worked simultaneously it would be \$125.00 a day for a period of time. He felt that the cost would certainly not be substantial. He stated that this had the support of Larry Zanto as well as bipartisan support.

Senator Olson stated that he thought he should support this if they can get physicians for \$25.00 a day and wondered if they thought this was realistic to ask a physician to leave his office for \$25.00 a day. Representative Azzara said that someone in the medical profession may be motivated by humanitarian interests who would be very willing to give of his time for this investigation. Senator Olson stated that he would be more apt to not give them anything and he felt \$25.00 a day is more of an insult than nothing.

Senator Lensink stated that many of the boards in the state of Montana serve without pay and his own personal feeling is that that would not be a deterrent.

Senator Galt questioned if there is any distinct proof that there has been malpractice. Representative Azzara said that there certainly has been allegations and he stated that he was not at liberty to disclose all of them and that this is being reviewed by the select committee. Senator Galt wondered if they have not made their report already. Representative Azzara said no, they have only met three times. Senator Galt questioned if this bill anticipates bad reports from the medical field. Representative Azzara stated that the allegations have already been made but they have not yet gotten to the categories involving medical inadequacies. He

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stated that the technical scope of the medical problem is beyond the ability of the select committee.

Senator Galt questioned who was on the select committee, and Representative Azzara said that they were appointed by the speaker at the beginning of the session: Ann Mary Dussault, Uhde, Yardley, Eudaily, Menahan, Rosenthal, and Andrea Hemstad. He stated they are a bipartisan committee investigating some of these charges, these charges are serious, we just returned from the prison yesterday and he stated that these charges were again in the air as the committee went through the facilities.

Senator Galt stated that you have other committee inspections, such as food services, labor services, other facilities, and he wondered if they were just zeroing in on the medical. Representative Azzara said that that is correct - that that is the most serious of the charges and the department of institutions is very anxious to clear the air on this matter, they think some of the charges are exaggerated, but he is of a different opinion.

Senator O'Hara questioned as to how many days a year are we talking about. Representative Azzara said that the team would be terminated as of June 30, 1981, and how many actual days would be determined by the joint leadership that sets up the committee.

Senator O'Hara questioned if the charges are that the medical people and doctors are not doing their jobs and Representative Azzara stated that there are cases where bodily injury has resulted because of inadequate medical care at the prison and allegations of loss of life in at least two cases.

Senator O'Hara questioned if these allegations are from the prisoners themselves and Representative Azzara said no, they come from sources other than the inmates - many are from guards, correction officers, relatives and friends and a certain amount are from the inmates as well.

Senator Lensink stated that facilities might be bad, medical care may not be available and mal practice may not be excluded.

Representative Azzara stated that they have a staff of ten LPNs, two RNs, one of whom is the chief resident medical attendant, and no fulltime physician on call for the prison at the moment and that the actual MDs, are drawn from Galen, but they may be in the process of changing one physician from Galen and putting in the prison.

Senator Brown questioned why the team is not being set up in the legislative branch of government. Representative Azzara said that there are amendments that would place this under the department of institutions and he assumed that it has something to do with the fact that the time range may exceed the time the legislature is in session.

Senator Brown questioned what specifically would the team do and is it solely to make recommendations to the legislature or will some of these matters be referred to the special team of the house select committee. Representative Azzara said that if this bill passes, it becomes effective immediately and it remains for the leadership of the house to act with discretion to organize this team, and the information will be made available to the house leadership as well as the department of institutions.

There being no further questions or comments, the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 603:

This is an act to exempt the work product of the prosecution from discovery in a criminal action, etc. Representative Sivertson gave an explanation of the bill.

Tom Honzel, representing the Montana Association of County Attorneys, gave a statement in support of this bill.

There were no further proponents and no opponents.

There were a few questions of Mr. Honzel and the hearing on the bill was closed.

DISPOSITION OF HOUSE BILL 603:

Senator Van Valkenburg gave an example of what happened to him in a case.

Senator Turnage moved that on page 2, line 6, following "which" that the bill be amended by striking "includes but is not limited to" and inserting "are" and further amended on line 8, following "notes" insert "provided, however, any exculpatory information contained in such communications or notes shall be produced". The motion carried unanimously.

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Senator Turnage moved that the bill be concurred in, as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 608:

Representative O'Hara moved that this bill be concurred in.

Senator Van Valkenburg questioned if we really need to go as high as ten or twenty on this thing and he stated that the present law is two to life and he thought that five to ten would be more appropriate particularly when you consider Keedy's bill which says ten years for homicide. He also stated that good time does not amount to as much as people say it does. He said with all the good time you can earn, you can get out in one-fifth the amount of time compared to one-fourth the amount of time. He stated that there were some positive things you could do such as giving blood.

Senator Van Valkenburg made a substitute motion to amend the bill on page 2, line 10 by striking "10" and insert "5" and strike "20" and insert "10". The motion carried with Senators Galt and O'Hara voting no.

Senator Turnage moved that this bill be concurred in, as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 611:

Senator Turnage moved that the bill be concurred in.

Senator Van Valkenburg stated that this is really an example of unneeded legislation and is something that is really a "get reelected" bill and he stated that there is no demonstrated need for this type of legislation, that there has not been a single instance where a judge has sentenced anyone to less than ten years.

Senator Galt questioned if he could say that there was no judge that had sentenced them for less than ten years. Senator Van Valkenburg said that he could not but he did think that they should offer some demonstration that there is a need for this and the least sentence he knew of was 25 years with 15 suspended.

Senator Olson questioned why they do that and Senator Van Valkenburg stated that he thought that they wanted to keep them under the supervision of the parole board. Senator O'Hara stated that there has been a number who were convicted of homicide and who have been out of prison in less than ten years. Senator Van Valkenburg stated yes, there probably are some. Senator O'Hara said that one in Shelby was out in seven years and he stated that a lot of people want these people in prison longer.

Senator Olson questioned if a man gets sentenced for life, what is the earliest he can get out if he is a model prisoner and Senator Van Valkenburg said that he thought it was eighteen years. Senator Brown stated that they raised it to seventeen and a half the last session.

Senator Lensink stated that there is the parole board and somebody makes a rational decision to do it. Senator Van Valkenburg stated that the parole board is judging the individual seven years down the line and at the time the crime is committed and this is suppose to make some changes in their lives.

A vote was taken on the motion to be concurred in and there were five no votes and four yes.

DISPOSITION OF HOUSE BILL 638:

Senator Turnage moved that this bill be not concurred in.

Senator Brown stated that he would like to amend it. He made a substitute motion to amend on page 2, line 10, by striking "department of" and the remainder of lines 11 through 13 and insert "legislative audit committee". The motion carried unanimously.

Senator Turnage stated that he thought this was a very unnecessary piece of legislation, it just creates another study group and another team to investigate the prison and make a report. He said that some disgruntled prisoner or prison guard wanted to change the world by blowing the whistle and if it took fifteen minutes to change a bandaid, it would be in federal court.

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Senator Lensink stated that he had reason to believe that there has been poor medical care and he felt it was minimal cost and he felt that since the issue has been raised, and will flame if we don't do something, that this is why he will support it.

Senator Brown stated that what he felt was needed is a top-notch investigator - not a panel of lay people - you need an investigator who will tear the place apart and not just somebody who might conduct an investigation.

Senator Van Valkenburg stated that we do not need a special investigator, that with this in mind, the people running that institution will clear up their act fast.

Senator Brown stated that this is the whole reason for the investigation is that the department of institutions is not responding and he suggested why not bring this to Mr. Zanto's attention and let him make a report. He stated that we have a process to bring it to the attention of the directors.

Senator Van Valkenburg stated that the testimony was that the department of institutions support the bill. Senator Anderson stated that if there is a problem, he thought it would be there five minutes after the committee gets out the door.

The committee took no action on the motion.

There being no further business, the meeting was adjourned.

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

Please sign & return to library. Thank you!

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

NAME	REPRESENTING	BILL #	Please note bill no (check on SUPPORT OPT)	
			Y	N
Darryl Barker	St. Falls High Sch.			
Brian G. F.	" " "			
Steve Dahlberg	" " "			
Amie Rose	" " "			
John O'Connor	" " "			
Dee E. Dye & Friend	Mont. Sheriff's & Police officers. Bill 111	603	X	
Janita DeLano	Mont. Hill, MT			
Donna S.	" " "			
John Bell	Sheriffs	H.608	✓	
BUD GARRICK	M. H. P.	11111	✓	
Becky Williams	C-F League of Women Voters			
Linda Robbins		H.608		X
Tom Johnson	MT. Magistrate Assoc. 11111			X
Carrie Johnson	M.			
Bonnie Bear	Mont. LWD			
Jill G.	Mont. LWD			
Nicki Brach	LWV - Billings	608	X	

1978 DRUG INVESTIGATION REPORT

ADULTS

During the calendar year of 1978, 41 adults (male/female) were arrested on drug offenses. This figure compares as follows with 1976 and 1977 arrest statistics:

1976 68 arrests

1977 23 arrests

1978 41 arrests

Increase of 18 arrests, or charges equaling a 78% increase

NOTE: Arrests figures were obtained by counting those actually arrested or later charged in court

The total arrests are broken down by sex, classification and actual charge as follows:

ADULT MALE FELONS: 13 total arrests (one resulting in 2 charges)
10 Drugs Sales charges
3 Felonious Possession charges
1 Cultivation charge

ADULT MALE MISDEMEANANTS: 24 charges of misdemeanor possession

ADULT FEMALE FELONS: 2 total arrests, both criminal sales charges

ADULT FEMALE MISDEMEANANTS: 2 total arrests, both possession charges

Of the subjects arrested on drug charges during 1978, 3 were arrested a second time within the year on separate drug charges. One of these individuals whose first arrest was a misdemeanor possession charge, was arrested within a matter of months for Felony Sales. (progressional) 7 of the 1978 drug arrestees had previous drug records, some being extensive.

In 1978, 37 subjects appeared in District Court. Sentencing was as follows:

25 suspended or deferred

6 suspended or deferred with time in the County Jail

6 are pending sentencing

In the same time period, there were a total of 74 District Court criminal matters. 37, or 50% were drug matters which somewhat outlines the problem of drugs in Ravalli County. Of these 37, 19 individuals had other types of arrests on their records with our department.

For 1978, 19 juveniles were arrested on drug matters. There were 4 felony charges - one felony possession, one cultivation, and two sales charges.

For 1978, there were approximately 110 drug investigations conducted.

Drugs confiscated during the period were:

Marijuana

Hashish

LSD

Meth-amphetamine

The General Attitude of the Public

The public is no longer alarmed about drug abuse in Ravalli County and tend to be apathetic to the problem and the law.

Attitudes of the Supreme Court and the lower courts, and the prosecutors, are a contributing factor in the public attitude.

When crimes are poo-pooed and generally treated soft, it makes everyone wonder what was the reason for the law in the first place, and if violating the law is really so bad, or just a mistake made by the unfortunate.

CRIMINAL CASES HANDLED IN DISTRICT COURT - 1978

Total of 74 Cases

19 - received Suspended Sentence or 26% of total
34 - received Deferred Sentence or 46% of total
5 - charge reduced by Plea Bargain or 7% of total
11 - served some County Jail time or 15% of total
1 - served some Prison time or less than 1% of total
4 - charges dismissed or 5%)
13 - cases pending or 18%) can be subtracted from total
4 - received monetary fine or 5% of total

NOTE: Percentages are rounded off

NOTE: Some suspended or deferred may have received County Jail and/or a fine-therefore, the percentage total will exceed 100%

If you subtracted the cases pending and dismissed from the total, you will find that the total of suspended and deferred sentences is 93%.

19 SUSPENDED SENTENCES

	No Previous Arrest	Less Than 2 Arrests	2 or More Arrests for all Crimes	Had Received Susp. or Def. Sent. Before	Previously Committed to State Pen.	1978 Charge
1			X - 19	X - 5	X - 2	Agg. Assault
2	X					Crim. Mischief
3			X - 3			Agg. Assault
4	X					Mit.Delib.Hom.
5			X - 25	X - 1	X - 5	Agg.Assault
6			X - 2			Bad Checks
7			X - 3	X - 2		Burglary
8			X - 4	X - 1		Poss.Dang.Drug
9			X - 5	X - 2		Poss.Dang.Drug
10			X - 6	X - 1		Poss.Dang.Drugs
11			X - 4	X - 3		Poss.Dang.Drug
12			X - 8	X - 2		Poss.Dang.Drug
13			X - 12			Poss.Dang.Drug
14			X - 5			Poss.Dang.Drug
15			X - 5			Poss.Dang.Drugs
16	X					Assault
17			X - 11	X - 1		DWI-3rd Off.
18			X - 3			DWI-3rd Off.
19			X - 4	X - 1		Poss.Dang.Drugs

34 DEFERRED SENTENCES

No Previous Arrest	Less Than 2 Arrests	2 or More Arrests for All Crimes	Had Received Susp. or Def. Sent. Before	Previously Committed to State Pen.	1978 Charge
1	X				Theft
2	X				Theft
3		X - 3			Theft
4	X				Burglary
5	X				Bad Checks
6		X - 4	X - 2		Burglary
7		X - 2	X - 1		Burglary
8		X - 2			Burglary
9		X - 2			Burglary
0	X				Burglary
					Burglary
1		X - 1	X - 1		Poss.Dang.Drugs
2					Poss.Dang.Drugs
3	X				Poss.Dang.Drugs
4		X - 3			Poss.Dang.Drugs
5		X - 2	X - 1		Poss.Dang.Drugs
6	X				Poss.Dang.Drugs
7	X				Poss.Dang.Drugs
8	X				Poss.Dang.Drugs
9		X - 2			Theft
0	X				Poss.Dang.Drugs
1	X				Assault
2		X - 2			Poss.Dang.Drugs
3		X - 3	X - 1		Unlaw.Trans.w/child
	X				Poss.Dang.Drugs
5		X - 2			Poss.Dang.Drugs
6	X				Poss.Dang.Drugs
7	X				Poss.Dang.Drugs
8					Poss.Dang.Drugs
9		X - 3	X - 1		Poss.Dang.Drugs
0		X - 3	X - 1		Poss.Dang.Drugs
		X - 7	X - 1		Poss.Dang.Drugs
2		X - 8	X - 2		Poss.Dang.Drugs
3	X				Poss.Dang.Drugs
4		X - 2			Poss.Dang.Drugs

BILLS TO BE HEARD BY SENATE JUDICIARY, WEDNESDAY, MARCH 7, 1979

HB 603 (Sivertsen)

Current law: 46-15-302 allows discovery in criminal cases. ~~Discovery in criminal cases.~~ Discovery is a remedy that allows a party to cause the adverse party to answer its allegations and interrogatories thereby disclosing facts or to produce documents or other things within its control. The statute allows either party to demand production of books, statements, papers or objects from any person other than the defendant. Specifically, the statute allows the defendant to require production from the prosecution.

Proposed bill: would exempt law enforcement officials' ^{investigative} reports and internal reports and other work product of the prosecution from discovery by the defendant.

HB 608 (Gould)

Current law: 45-9-101 makes it a felony to criminally sell a dangerous drug. The sentence for such offense is imprisonment for 1 year to life or 2 to life for sale of an opiate.

Proposed bill: Amends 45-9-101 to increase the penalties for the offense. A second conviction would get 10 years to life. A third conviction would get 20 years to life. If sale is to a minor, the defendant will be ineligible for parole or furlough. Also, the bill amends 46-18-222 to include the new penalties in the provision that requires that the first 2 years of certain sentences can not be deferred or suspended.

HB 611 (Gould)

Current law: The penalty for a second conviction for driving while intoxicated is imprisonment for up to 90 days plus a possible fine of \$300-\$500. *See corrected summary attached*

Proposed bill: Would make the penalty for a second conviction for driving while intoxicated a fine of \$300 - \$500 and possible imprisonment for up to 30 days.

HB 618 (Keedy)

Current law: The penalty for deliberate homicide is a minimum of 2 years imprisonment up to 100 years. Negligent homicide and aiding or soliciting suicide get up to 10 years imprisonment with no minimum sentence.

Proposed bill: Amends 45-5-102 to raise the mandatory minimum

sentence for deliberate homicide from 2 years to 10 years. And amends 46-18-201 to provide that the first 10 years of such sentence rather than the first 2 years may not be deferred or suspended except as provided in 46-18-222 dealing with exceptions to mandatory minimum sentences (including minors, incompetents, people under duress, etc.). As originally drafted, this bill would have established a mandatory minimum sentence of 2 years for negligent homicide and for aiding or soliciting suicide, this provision was deleted by the House.

5.) HB 638 (Azzara)

Proposed bill: Creates a medical team to investigate medical practices in the state prison.

Section 1. NEW. Definition.

Section 2. NEW. Prison medical practices investigative team -- appointment and composition.

The team is to be composed of a physician, registered nurse, psychologist, pharmacist, dentist, and a criminologist to be appointed by the speaker and minority leader of the Senate. The team is to be allocated to the Department of Administration for administrative purposes only.

Section 3. NEW. Compensation and expenses.

\$25 a day plus expenses for days actually spent on duty.

Section 4. NEW. Powers and duties.

The team is to investigate medical practices in the state prison and make recommendations to the Department of Institutions and report to the 47th Legislature. The team is authorized to seek funds for its continuation beyond June 30, 1981.

Section 5. NEW. Termination of team.

Team will terminate June 30, 1981, unless the legislature provides otherwise.

Section 6. NEW. Immediate effective date.

Corrected Summary for Senate Judiciary
Wednesday, March 7, 1979

HB 611

Current Law - the penalty for a second conviction for driving while intoxicated is a fine of \$300 - \$500.

Proposed Bill - as originally drafted, would have made the penalty imprisonment for up to 90 days and a possible fine. As amended by the House, the bill now makes the penalty a fine of \$300 - \$500 plus possible imprisonment for up to 30 days.

Corrected Summary for Senate Judiciary
Wednesday, March 7, 1979

HB 611

Current Law - the penalty for a second conviction for driving while intoxicated is a fine of \$300 - \$500.

Proposed Bill - as originally drafted, would have made the penalty imprisonment for up to 90 days and a possible fine. As amended by the House, the bill now makes the penalty a fine of \$300 - \$500 plus possible imprisonment for up to 30 days.

HB 608

1. Page 2, line 9.
Following: "EXCEPT"

Strike: "HARSHNESS"
Insert: "marijuana".

2. Page 2, line 10.
Following: "there"

Strike: "or $\frac{10}{5}$ "
Insert: "or 5"

3. Page 2, line 14.
Following: "less than"

Strike: "or $\frac{20}{10}$ "
Insert: "or 10"

HB 603

1. Table, line 5.
Following: "PROSECUTION
Insert: "EXCEPT EXCULPA
INFORMATION"

2. Page 2, line 6.
Following: "which"

Strike: "or ~~includes but is not~~
Insert: "or ~~includes but is not~~"

3. Page 2, line 8.
Following: "note"

Strike: "except that
speculative information
contained in such documents
or notes, ~~not~~ meet
produced."

STANDING COMMITTEE REPORT

March 7

19 79

MR.President.....

We, your committee onJudiciary.....

having had under considerationHouse..... Bill No.603.....

Respectfully report as follows: ThatHOUSE..... Bill No.603, third reading bill, be amended as follows:

1. Title, line 5.

Following: "PROSECUTION"

Insert: ", EXCEPT EXONERATORY INFORMATION,"

2. Page 2, line 6.

Following: "which"

Strike: "includes but is not limited to"

Insert: "is"

3. Page 2, line 8.

Following: "notes"

Insert: ", except that any exoneratory information contained in such documents or notes must be produced"

And, as so amended,

BE CONCURRED IN

CLASS

STANDING COMMITTEE REPORT

March 7

79

19

President

MR.

Judiciary

We, your committee on

House

608

having had under consideration Bill No.

Respectfully report as follows: That 608, Bill No.

third reading bill, be amended as follows:

1. Page 2, line 7.

Following: "EXCEPT"

Strike: "MARIHUANA"

Insert: "marijuana"

2. Page 2, line 10.

Following: "than"

Strike: "10"

Insert: "5"

3. Page 2, line 14.

Following: "less than"

Strike: "20"

Insert: "10"

And, as so amended,

BE CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

.....March 7, 19.....79.

MR. President:

We, your committee onJudiciary.....

having had under considerationHouse..... Bill No. 618.....

Respectfully report as follows: ThatHouse..... Bill No. 618.....

BE NOT CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

March 7, 1973

MR. President:

We, your committee on Judiciary.....

having had under consideration House..... Bill No. 611...

Respectfully report as follows: That House..... Bill No. 611...

BE CONCURRED IN
DO PASS XXX

SENATE COMMITTEE JUDICIARYDate 3/9/79 Thursday Bill No. 118 Time 10:19

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)	✓	
Galt, Jack E. (R)		✓
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)		
	5	4

Allen Conroy
SecretaryEverett R. Lensink, Jr.
ChairmanMotion: Be and enacted in

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date 3/7/79 Sta. 201 Bill No. 112618 Time 1:17:45

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)		✓
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)		
Brown, Steve (D)		✓
Van Valkenburg, Fred (D)		✓
Healy, John E. (Jack) (D)		✓

Alice Young
Secretary

Edward R. Lewis, Jr.
Chairman

Motion: ~~Re-organized~~

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARYDate _____ Bill No. 628 Time 11:08

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)	✓	
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)		✓
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	✓
Healy, John E. (Jack) (D)		✓

6 4

SecretaryChairmanMotion: to adjourn committee, no calendar

(include enough information on motion--put with yellow copy of committee report.)

7 March 1979

TO: Senator Everett R. Lensink
Chairman, Senate Judiciary

FROM: Rev. Bill Burkhardt

RE: HB 618

I want to express for the record my opposition to HB 618 which you have before your committee.

There are many good reasons for opposing this legislation:

1. It destroys motivation for rehabilitation and promotes desperation climate in prisons.
2. Costly to the state. A rehabilitated prisoner is back paying taxes before this sentence could run its course.

I am told by some that the cost of a year in Deer Lodge is now running in excess \$15,000 per prisoner. On economic grounds alone it seems a poor measure.

3. Undercuts the validity of three branches of government in which we trust the Judiciary in the form of our judges to make discretionary decisions about individual crimes.
4. Does not take into account a one-time crime of passion with genuine remorse and desire to make amends and return to society in a productive way.

I hope your committee will kill this bill. Thank you very much.

Willie A. Burkhardt