

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
MARCH 24, 1981

The fifty-first meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

DISPOSITION OF HOUSE BILL 316:

Senator Mazurek moved to reconsider the action taken March 14, which resulted in a "be not concurred in" vote. He said that this bill merely puts into law what the practice has been since 1975. His motion carried unanimously. Senator Mazurek then moved that the bill BE CONCURRED IN, and his motion passed over the objection of Senators Tveit and Olson.

DISPOSITION OF HOUSE BILL 66:

Senator B. Brown moved that the bill BE CONCURRED IN, and his motion passed with Senators Anderson, O'Hara, Olson, and Berg opposing, as shown on the attached roll call vote.

DISPOSITION OF HOUSE BILL 273:

Senator Crippen moved to amend the bill as shown on the attached Committee Report, and his motion passed over the objection of Senators O'Hara and S. Brown. Senator Berg moved that the bill BE NOT CONCURRED IN, since the law is presently adequate if enforced, and his motion passed over Senator S. Browne' objection.

DISPOSITION OF HOUSE BILL 403:

Senator S. Brown moved to amend the bill as shown on the attached Committee Report, and his motion passed over Senator Tveit's objection. Senator S. Brown then moved that the bill BE CONCURRED IN AS AMENDED, and the motion carried over the objection of Senators Anderson, Olson, Crippen, and Tveit, as shown on the attached roll call vote.

DISPOSITION OF HOUSE BILL 12:

Senator O'Hara moved that the bill BE CONCURRED IN, and his motion passed over the opposition of Senators Halligan, Mazurek, Crippen, and B. Brown.

DISPOSITION OF HOUSE BILL 8:

Senator Berg moved that the bill BE NOT CONCURRED IN, and his motion carried over the opposition of Senators O'Hara and Tveit.

Senator S. Brown at this point wanted to have the record show that the committee's legal staff member, David Niss, has throughout the session done an exceptionally good job for the committee.

DISPOSITION OF HOUSE BILL 214:

Senator S. Brown moved that the bill BE NOT CONCURRED IN, and his motion carried over the objection of Senator O'Hara.

DISPOSITION OF HOUSE BILL 689:

Senator O'Hara moved that the bill be amended according to the attached Committee Report, and his motion passed unanimously. Senator O'Hara then moved that the bill BE CONCURRED IN AS AMENDED, and his motion passed over the objection of Senators Berg and Crippen.

DISPOSITION OF HOUSE BILL 212:

Senator B. Brown moved that the bill BE CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 213:

Senator Crippen moved that the bill be not concurred in, and his motion failed. Senator Mazurek then moved that the bill be amended as shown on the attached Committee Report, and his motion carried unanimously. Senator O'Hara then moved that the bill BE CONCURRED IN AS AMENDED, and his motion passed over the opposition of Senators Berg, Olson, and Tveit.

FURTHER CONSIDERATION OF HOUSE BILL 703:

Senator Mazurek proposed five amendments, none of which was moved or adopted. He asked the committee to wait until March 25 to take action on this bill, and the committee agreed to do so.



Mike Anderson
Chairman, Judiciary Committee

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date March 21, 1981

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

HEARING COMMITTEE REPORT

March 24, 19 81

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 316

GOULD (MAZUREK)

Respectfully report as follows: That HOUSE Bill No. 316

DO PASS
BE CONCURRED IN

PA

STANDING COMMITTEE REPORT

March 24, 19 81

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 56

BENNETT (D. BROWN)

Respectfully report as follows: That HOUSE Bill No. 56

~~DO PASS~~
BE CONCURRED IN

HEARING COMMITTEE REPORT

March 24, 19 81

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 273

Respectfully report as follows: That HOUSE Bill No. 273

DO PASS
BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

March 24, 19 31

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 400
NEEDY (MAZUREK)

Respectfully report as follows: That HOUSE Bill No. 400,
Third reading copy
be amended as follows:

1. Page 1, line 17.
Following: "defendant"
Insert: "or his counsel"
2. Line 18, page 1.
Following: "46-14-201"
Insert: "or raises the issue of his fitness to proceed"
3. Page 2, line 14.
Following: "defendant"
Insert: "or his counsel"

And, as so amended,

DO-PAGES

BE CONCURRED IN

Mike Anderson Chairman.

STANDING COMMITTEE REPORT

March 24, 19 61

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 12

GOULD (O'HARA)

Respectfully report as follows: That HOUSE Bill No. 12

DO NOT PASS
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 24, 1981

MR. **PRESIDENT:**

We, your committee on **JUDICIARY**

having had under consideration **HOUSE** Bill No. **8**

Respectfully report as follows: That **HOUSE** Bill No. **8**

~~DO PASS~~
BE NOT CONCURRED IN

STATE COMMITTEE REPORT

March 24, 1981

MR. FRANZONI:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 214

Respectfully report as follows: That HOUSE Bill No. 214

~~DO NOT~~
BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

March 24, 19 01

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 932
REYSER (CRIPPEN)

Respectfully report as follows: That HOUSE Bill No. 932,
third reading copy, be amended as follows:

1. Title, line 8.

Following: "THERDOF;"

Insert: "AMENDING SECTION 46-4-305, MCA;"

Following: "5-5-105"

Strike: ", "

2. Title, line 9.

Following: line 8

Strike: "46-4-305,"

3. Page 2, lines 11 through 14.

Following: "information" on line 11

Strike: line 11 through "legislature" on line 14

Insert: "as provided in [sections 3 through 6]"

~~DO PASS~~

continued

March 24, 1931

4. Page 3, line 4.

Following: "held"

Strike: "shall"

Insert: "may"

5. Page 4, line 15.

Following: "of"

Strike: "either house"

Insert: "the legislature"

6. Page 5, line 3.

Following: "line 4"

Strike: "either house of"

7. Page 5, following line 7.

Insert: "Section 6. Section 46-4-305, MCA, is amended to read:

"46-4-305. Self-incrimination and immunity. (1) No person subpoenaed to give testimony pursuant to this part may be required to make any statement or produce any evidence which may incriminate him. The attorney general or the county attorney may, with the approval of the justice or judge who authorized the issuance of the subpoena on behalf of the state, grant any person subpoenaed immunity from prosecution or punishment ~~for or on account of any transaction or other matter concerning which the person testifies or produces evidence pursuant to the subpoena. After being granted such immunity, no person may be excused from testifying on the grounds that his testimony may incriminate him. The immunity may not extend to prosecution or punishment for false statements given pursuant to the subpoena as provided for in [section 2].~~

(2) Nothing in this part requires a witness to divulge the contents of a privileged communication unless the privilege is waived as provided by law."

Renumber: subsequent section

8. Page 5, line 8.

Following: "6-5-105"

Strike: "46-4-305,"

And, as so amended,
BE CONCURRED IN

Mike Anderson

Chairman.

STANDING COMMITTEE REPORT

March 24.

1961

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 212

KEDDY (B. BROWN)

Respectfully report as follows: That HOUSE Bill No. 212

DO-PASS

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 24, 19 81

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 213
KEEDY (MAZUREK)

Respectfully report as follows: That HOUSE Bill No. 213,
third reading copy, be amended as follows:

1. Page 2, line 3.
Following: "defense"
Insert: "self defense"

And, as so amended,

~~DO PASS~~
BE CONCURRED IN

Pl

SENATE COMMITTEE JUDICIARY

Date _____ House Bill No. 66 Time 10:18

NAME	YES	NO
Anderson, Mike		✓
O'Hara, Jesse A.		✓
Olson, S. A.		✓
Brown, Bob	✓	
Crippen, Bruce D.	✓	
Tveit, Larry J.	✓	
Brown, Steve		
Berg, Harry K.		✓
Mazurek, Joseph P.	✓	
Halligan, Michael	✓	

Robin Campbell
Secretary

Mike Anderson
Chairman

Motion: Concur in

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

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SENATE COMMITTEE JUDICIARY

Date March 24, 1981 - House Bill No. 403 Time 10:57

NAME	YES	NO
Anderson, Mike		✓
O'Hara, Jesse A.	✓	
Olson, S. E.		✓
Brown, Bob	✓	
Crippen, Bruce D.		✓
Tveit, Larry J.		✓
Brown, Steve	✓	
Berg, Harry K.	✓	
Mazurek, Joseph P.	✓	
Halligan, Michael	✓	

Robin Campbell
Secretary

Mike Anderson
Chairman

Motion: Concur as amended

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