

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 18, 1985

The thirty-second meeting of the Senate Judiciary Committee was called to order at 10:05 a.m. on February 18, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Tom Towe, who was excused.

CONSIDERATION OF SB 321: Senator Dave Fuller, sponsor of SB 321, stated this bill is technical. It is of interest to him because some of the sections they put in order the judge to look at certain things before allowing bail.

PROPOSERS: Marc Racicot stated he was requested by the county attorneys to come and talk about the drafting of the bill. This bill revises our system of bail and conditions of release along the lines of the federal level. SB 321 would do three things: (1) Allow judges to consider the danger a defendant poses to the community. It does not provide that the defendant be required to prove his innocence in a pretrial fashion. If there is a high risk of flight, they must apply the law very strictly. The judge must consider the risk to the safety of the community or others. (2) It would limit release in post-trial situations after conviction. It would alter it and provide bail cannot be set where it cannot be shown by clear and convincing evidence the defendant is not likely to flee or does not impose a danger to the community. (3) It articulates the conditions upon which bail can be set. A number of the conditions on pages 3 and 4 are already authorized, but they are not articulated in the statutes. Henry Loble, District Judge, First Judicial District, testified the judge should have the power after he has been convicted to keep him incarcerated for the limited period of time until he is sentenced. Mike McGrath, Lewis and Clark County Attorney, stated this bill does not deny or authorize a judge to deny bail to any defendant. The only case where you can deny bail is in a capital offense. What it does is allow the judge to impose conditions on the bail. In such situations as a domestic violence matter, a defendant might be released on his own recognizance and be ordered to stay out of bars, stay away from the home, or go to work. These conditions could be imposed even on a defendant released on his own recognizance. Gail Kline, Women's Lobbyist Fund, stated they wanted to go on record as supporting SB 321.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on SB 321 was closed.

CONSIDERATION OF SB 294: Senator Bruce Crippen, sponsor of SB 294, testified this bill amends the criminal codes to eliminate the spousal exemption from sexual intercourse without consent. Section 45-5-501, MCA, defines the term "without consent." The marital exception is a violation of the equal protection clauses of the Montana and federal constitutions because it arbitrarily classifies persons on the basis of their marital status. The goal of a rape statute is to prevent violent sexual assaults upon persons. There is no basis for distinguishing between marital and non-marital rape. The background as to why Montana has a spousal rape exemption is not in our statutes. The first and oldest legal theory is a biblical theory--the wife is the property of her husband. In common law, a single woman enjoyed the same legal status as a man--she could own or transfer property. The moment she became married, she relinquished those rights, and under that theory of law, a husband and wife were regarded as one--and that one was the husband. The husband cannot be guilty of rape committed by himself upon his wife. In the seventeenth century, marriage became a contractual relationship. However, the woman did not say "I do, and I agree to be brutally raped." Under contract law, the remedy for breach of contract is generally damages and not forced performance. Some believe these statutes should be in existence for marital reconciliation. One of the more telling arguments against elimination of this is the vindictive wife. There is really no statistical data to support the fear that a vindictive wife is going to use rape to get back at her husband. There are much easier crimes to prove than rape because rape is very hard to prove, and it becomes more so when it is between spouses. Just the idea that the rape is between spouses raises the standard of proof one notch before a jury. The jury will want proof beyond a reasonable doubt. There have been comments made that if you have been raped, why not get divorced. That is probably what will happen. This statute still applies even when the couple will separate and are in the process of getting a divorce. Comments have been made about protecting marital privacy. It protects against consensual acts, but most certainly not against violent acts. There is really no rational basis for the spousal rape exemption, and twenty states have eliminated it.

PROPOSERS: Tammy Plubell, representing the Women's Law Caucus, stated they feel marital rape is a violation of the equal protection clauses of both the Montana and federal constitutions. (See witness sheet attached

as Exhibit 1.) Ms. Plubell addressed some of the issues raised by Senator Crippen. She stated forced intercourse does not speed up reconciliation. Less than one-half of any rapes are reported, and, therefore, she does not believe there will be malicious prosecution, because victims are humiliated. There are better ways of using the courts if you have a vindictive wife on your hands. The problem of proof is true of all rapes. Marital rape is not a less violent crime than non-marital rape. Marital privacy should not extend to a husband's forcibly raping his wife. This state has a duty to intervene and protect all persons, whether married or not. It perpetuates sexual violence as a learned trait. Marital privacy does not shield a husband who assaults his wife, and it should not when a husband rapes his wife. Maylinn Smith, Member, Women's Law Cause, testified there are 20 states that have changed their existing statutes. Two have enacted specific statutes that deal with marital rape. Four states have judicially changed their laws (Florida, New Jersey, New York, and Massachusetts). Mike McGrath, Lewis and Clark County Attorney, testified that from a prosecutor's standpoint, these cases would be more difficult to prove, and he personally does not believe the state should have a policy where they sanction rapes against wives. Sue MacLane, Women's Place, Missoula, presented written testimony in support of the bill (Exhibit 2). Caryl Wickes Borchers, Executive Director, Mercy Home, Great Falls, presented written testimony in support of the bill (Exhibit 3). Noreen Dever staff member, Mercy Home, Great Falls, presented written testimony in support of SB 294 (Exhibit 4). Melinda, victim, Great Falls Mercy Home, presented written testimony in support of the bill (Exhibit 5). Lenore Talioferro, staff, Friendship Center in Helena, states she works with women who have escaped from rape and abuse situations. She is concerned about the children who need to learn to grow up and learn to be loving parents and not feel this behavior is okay. Marti Adrian, former counselor in Montana, urged the committee to pass SB 294. Dr. Bailey Molineux testified rape is a violent act, not a sexual act, and stated he believes violence has no place in a marriage. (See witness sheet attached as Exhibit 6.) Gail Kline, representing the Women's Lobbyist Fund, presented written testimony in support of the bill (Exhibit 7).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek asked Mr. McGrath if he thought that he, as a prosecutor, would have difficulty distinguishing between the rape of a spouse and someone who would utilize this bill to retaliate against a spouse. Mr. McGrath stated no more so than with any rape case. He doesn't see why an individual's being married will make any difference. Senator Mazurek asked Mr. McGrath if he stated he thought it would be more difficult to get a conviction in a spousal rape case. Mr. McGrath responded yes.

CLOSING STATEMENT: Senator Crippen stated rape is rape. It's a violent, heinous act made no less violent or heinous by the fact the partners are married.

Hearing on SB 294 was closed.

ACTION ON SB 294: Senator Blaylock moved SB 294 be recommended DO PASS. The motion carried unanimously.

ACTION ON SB 321: Senator Shaw moved SB 321 be recommended DO PASS. The motion carried unanimously.

ACTION ON SB 28 AND TABLING OF SB 69: Senator Mazurek stated we have agreed on everything except the due process provision as to whether a compact should be included in a preliminary decree for informational purposes or in a final decree. It is agreed we should require reports to go to the water judge; we should allow a means to file reserved water rights under the existing law; the commission should be extended; and the deadline should be taken out. Senator Mazurek asked Senator Galt if he concurred. Senator Galt responded no, but he could see the rationale for doing so. He believed the commission could still say it is too late to negotiate. Senator Crippen stated we are trying to get something done to avoid litigation. Since everyone objects to the time limitation and it seems to be a thorn under their saddle, so it should be eliminated. He believes we would be better off doing anything we can to get them to the bargaining table. Senator Mazurek stated the deadline would only apply to the Blackfoot Tribe. Senator Mazurek stated it is his recommendation that we adopt all of the amendments we talked about with the exception of the one relating to due process. Senator Galt stated they missed one--the need to extend the time to six months to get back in and file. Senator Mazurek stated the issues that remain unresolved are the Reid Chambers' amendments and the Attorney General's amendments. He felt maybe the thing to do rather than favor one side or the other is to leave the law as it is, although he thinks that is almost worse than adopting the Attorney General's amendment. Senator Yellowtail commended the chairman for allowing a second hearing on these bills. However, he stated he could not help but notice that the Attorney General's office came in after the first hearing with significant amendments which the tribes had no opportunity to see. The same thing happened with respect to the Attorney General's proposed amendments to the Chambers' amendment. The tribes were caught flat-footed again at this hearing and had not had an opportunity to see those suggestions. Senator Yellowtail stated he is concerned with the process. Senator Mazurek stated the committee could adopt the Chambers' amendment and let the House deal with any technical changes that are required. He stated we should consider extending the commission; require reports to the water judge; provide a means for reserved water right holders to file under the

current law; extend the deadline for re-entering negotiations from 60 days to six months; and insert the Reid Chambers' amendment on page 6, line 6. Senator Crippen stated that is a step towards solving the due process problem. Senator Pinsoneault stated that to the Blackfeet, this question of putting a deadline in is absolutely a red flag. He believes they will never come to the bargaining table if the bill has a deadline in it. Senator Mazurek pointed out we are taking out section 6 in its entirety. There is no prohibition against reopening negotiations now. If you put this in, you only have 30 days to do it. Senator Galt stated there is nothing allowing you to, either. Senator Mazurek suggested an amendment be adopted to that section that would say effectively don't put a 30-day requirement in "negotiations may be reopened by the parties." Senator Mazurek stated that although we may be looking into another extension in 1987, we must approach it as if this were it. We are getting to a point in the water adjudication process where we have to get this done. Mr. Petesch stated the effective date should probably be immediate, because in section 7 you are requiring a status report to the water judge. Senator Mazurek stated the commission is close to reaching a compact with the tribes, and we will need these provisions. Senator Crippen moved the amendments which have been discussed. Senator Mazurek stated Mr. Petesch would prepare a grey bill to go to the floor with copies to be provided to the committee members prior to that time. The motion to amend the bill as discussed carried unanimously. Senator Crippen moved SB 28 be recommended DO PASS AS AMENDED. The motion carried unanimously. Senator Brown moved SB 69 be TABLED. The motion carried with Senator Galt voting in opposition.

ACTION ON SB 200: Senator Towe presented proposed amendments to SB 200 (Exhibit 8), and Senator Pinsoneault also presented proposed amendments (Exhibit 9). Senator Pinsoneault explained his suggested subparagraph (2) answers the question of how to address the issue of people just throwing these into their complaints as a means of leverage or as a scare tactic. It provides that measure of caution to the attorney who would do that. Attorney fees in a situation like this could be substantial. He voiced his own personal opinion as to any cap. The jury should be able to say you did this and you should pay, without any condition or formula. Senator Pinsoneault's subparagraph (b) imposes a higher standard of proof. To a jury, they are going to do the right thing no matter the standard of proof. Senator Towe's subparagraph (b) states the standard of proof is clear and convincing. Senator Pinsoneault stated we should put the burden on the person seeking punitive damages, but keep the standard that the plaintiff has to prove in order to reap punitive damages. Senator Crippen stated he agreed. The important thing is to get this bill across. He wants to keep this bill alive even though there are five others in the House. One of the concerns presented in the testimony is wrongful discharge cases. We may have an opportunity to deal with that directly later. Senator Mazurek stated he

suspects that if you use a beyond-a-reasonable-doubt standard, you may run the risk of losing the bill because the only place it is used is in the criminal area, and it may be declared unconstitutional. Mr. Petesch stated he did not look at it specifically, but he is unaware of it any other place than in the criminal code. Senator Daniels moved that the amendments shown on Exhibit 8 be adopted as amended thereon. Senator Pinsoneault stated he would support the amendment in view of the possibility of losing it on a constitutional problem. Senator Mazurek stated the problem that has arisen is we now have in this state an implied covenant of good faith and fair dealing. He questioned whether we were leaving the problem there as it currently exists and just raising the standard of proof. Mr. Petesch pointed out the definition of presumed malice in subparagraph (b) is how the court has defined that term in the Owens case. Senator Blaylock stated he is not sure he likes the idea. The motion to adopt Senator Towe's amendments carried (see roll call vote attached as Exhibit 10). Senator Pinsoneault moved SB 200 be recommended DO PASS AS AMENDED. The motion carried with Senators Blaylock, Daniels, Galt, and Mazurek voting in opposition.

TABLING OF SB 383: Senator Pinsoneault felt he would be offended if he were a district judge and this law were passed. He felt it would be best to send this proposal to the judges and ask them to come back with comments. Senator Mazurek stated former Chief Justice Haswell's dissent was particularly appropriate in saying you cannot reduce child support to a formula. Under this bill, we are injecting new concepts like earning capacity. The decision itself sits there with a guide in it that can be used without this bill. Senator Pinsoneault stated we have district judges out there that are competent, and he would like their input as to this bill. There are good things about it, but they may come back with some good input. Senator Shaw moved SB 383 be TABLED. The motion carried unanimously.

There being no further business to come before the committee, the meeting was adjourned at 12:00 p.m.


Committee Chairman

ROLL CALL

SENATE JUDICIARY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 021885

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe			X
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

(This sheet to be used by those testifying on a bill.)

NAME: Mary Gallagher-Tammy Plubell DATE: 2/18/85

ADDRESS: 40 Women's Law Caucus UofM Law School Missoula

PHONE: 721-6578

REPRESENTING WHOM? Women's Law Caucus

APPEARING ON WHICH PROPOSAL: Senate Bill 294

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1

DATE 02/18/85

BILL NO. SB 294



WOMEN'S PLACE

Women working together to end domestic and sexual violence

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 02/8/85

BILL NO. SB 294

Testimony for SB 294
Senate Judiciary Committee

I am here as a representative of many women, both victims of sexual assault and crisis counselors, who believe marital rape is a dehumanizing and aggressive act of violence against women. The law which currently acknowledges sexual assault as a violation of women fails to recognize that rape by a spouse is equally violating. A survivor of marital rape experiences the same post-rape syndrome as a survivor of stranger or acquaintance rape; fear, humiliation, guilt and physical symptoms of stress. We believe that no one has the right, ethically or legally, to overpower a woman's rights to her body and her emotions, Senate bill 294 would sanction this belief by extending and acknowledging the legal rights of married women.

Rape does occur in marriages and is often accompanied by other acts of violence used to control and humiliate women. One woman, who was raped by her husband, sought help through the Battered women's Shelter and Women's Place in Missoula. This client was married for ten years, has two children and was

recently divorced. She was willing to be quoted for use in this testimony to support the fact that rape in marriage is very real and is a violation of human rights.

(quote)"To talk about the actual rape, it was really terrifying. I don't think it would have been more terrifying if a stranger had done it. Because it was so violent, and he was smothering me.....I couldn't breathe. He was talking about killing himself and I didn't know if I would make it through the night. He said it wasn't that bad because we were married. That it wasn't that big of a deal. His family, his brothers all said it was fine.....it's understandable because they would do the same thing."(unquote)

When a man rapes his wife, he is no longer in the role of a trusted companion; the man becomes a stranger, untrustworthy, physically aggressive and often violent. Yet the law, as it currently reads, does not view this as a crime of violence. Technically, it was this man's right, and any man's right because there is no law against it. The state of Montana is legally sanctioning this violence. The social values supported by the law, state that it is morally ok to victimize one's wife.

(quote)"He couldn't understand why it bothered me, he still doesn't understand..... he thinks he had a right to do it. He couldn't understand why I wanted a divorce"

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DATE 02/8/85

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The responsibility of the Legislative body is to establish laws. Through these laws, social standards and values are instilled in the minds of individuals. So as legislators, you are guiding and determining these social values. With a law against marital rape, men will begin to question their rights to violate their wives, and view this act as morally wrong. This is the first step towards ending sexual assault within marriages.

Marital rape is prevalent in Montana, yet no statistics are kept by law enforcement officials because it is not prosecutable. Since October of 1984, there were 578 domestic violence cases reported in Montana. It is estimated by women who worked with these cases that 50% involved marital rape. It is frustrating and discouraging for women when they do not have the legal system as an option for regaining control in their lives.

Members of the opposition to marital rape legislation have used the argument that women would use this as a vindictive weapon against their husbands; a cry wolf strategy for getting even. This is an unjustified argument when one considers the personal nature of reporting a rape. Rape victims face a great deal of personal vulnerability and exposure through the process of reporting, and the decision to report is not an easy one to reach. Rape exams, which are

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important for gathering evidence for prosecuting, are often painful, expensive, and frightening. It is hard to imagine a woman putting herself through this experience just to get even. This trivial concern negates the seriousness of this issue.

From a professional perspective, it is necessary for agencies to work together to stop domestic violence in the family, including sexual assault. These agencies include support services, shelters, and law enforcement agencies. Agencies cannot give adequate services without also providing legal referrals and options for women. Senate bill 294 would aid in achieving more tangible options for support by granting married women legal rights for protecting themselves against spousal rape. We strongly urge you to legislate and ensure enforcement of laws against marital rape, in hopes of providing love without fear.

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Susan Wall-MacLare 2/14/85
Bill Tulp 2/14/85
Kerry Wall-McLane 2/14/85
Sue Silverberg 2/14/85
Mark Anderlik 2/14/85
Diana Moffatt 2/14/85
Cynthia K. Cook 2/15/85
Pat Edwards 15 Feb 85
Amy Hansen Domestic Violence Program Co-ordinator - Women's Pla

TEMPORARY RESTRAINING ORDERS AND JUSTICES' OF THE PEACE

House Bill 310 provides protection for domestic violence victims by increasing availability and enforcement of temporary restraining orders. As originally introduced, HB 310 allowed justice of the peace courts to issue temporary restraining orders. The House of Representatives amended this section out of the bill. This amendment severely limits access to temporary restraining orders. The provision allowing justice of the peace courts to issue temporary restraining orders should be restored to HB 310.

The Amendment Limits Access to T.R.O.s

Currently only district court judges may issue restraining orders. Restraining orders provide emergency relief from imminent harm. To be effective, they must be available immediately. Many women are now denied this immediate relief. Rural women are at a special disadvantage. A single judicial district may cover hundreds of miles. For example, one district judge covers the counties of Meagher, Wheatland, Golden Valley and Mussellshell. Domestic violence victims in these counties are effectively denied emergency relief due to the lack of access to district judges. Urban women suffer also. Domestic violence victims in Butte went an entire month this summer without access to a district judge. One district judge was on vacation, and the other was ill. Butte victims had nowhere to turn. Since every county has at least one justice of the peace, allowing justices to issue restraining orders would protect victims by greatly increasing access to emergency relief.

Justices of the Peace Have the Necessary Expertise

A temporary restraining order may be issued when a delay would cause immediate and irreparable injury to the victim. MCA 27-19-315. Justices of the peace have the expertise to make this determination. Their current jurisdiction requires them to make many similar determinations. For example, justice of the peace courts have the power to issue arrest warrants. MCA 46-1-201(6). Before issuing an arrest warrant, the justice of peace must determine whether there is sufficient evidence to believe that the person committed a crime. MCA 46-6-201. This determination is very similar to that involved in issuing a temporary restraining order. Justice of the peace courts also determine whether an arrested person has committed a felony, and if not, the justice has the power to discharge the accused person. MCA 46-10-203. In addition, justices of the peace have jurisdiction over all misdemeanor domestic assault cases. MCA 3-10-303. It is sadly ironic that a justice of the peace can punish an offender after a violent act but cannot prevent violence.

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BILL NO. SB 294

Justices of the Peace Have the Necessary Training

To be a justice of the peace, a person must be an attorney; must have been a justice withing the preceeding five years; or must complete an orientation course under the direction of the University of Montana law school. MCA 3-10-202. In addition, justices of the peace must attend two annual training sessions supervised by the supreme court. MCA 3-10-203. In contrast, a district court judge must practice law in Montana for five years prior to becoming a judge. MCA 3-5-202. To suggest that an attorney, through his or her technical knowledge of the law, is better suited to issue temporary restraining orders is ludicrous. Common sense and experience, not legal training, is necessary to determine whether a temporary restraining order is needed to prevent immediate and irreparable harm to a domestic violence victim.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 02/885

FILE NO. _____

February 2, 1985

Capital Station
Helena, Montana 59601

Dear Legislators,

I am writing to ask you to support the continuation of additional funding of the Domestic Violence Grant Program with the 4% General Fund Monies in the Executive Budget over and above the Marriage License Fee monies that we have totally funded the Domestic Violence Grant Program with since July of 1979.

In February of 1977 the Montana Legislature started working with us to start solving the problem of Domestic Violence by a Senate-House Joint Resolution which mandated Crime Control to study Spouse Abuse in Montana. That Study was made and called 'SPOUSE BATTERING IN MONTANA'. In April 1978, A STATE TASK FORCE ON SPOUSE ABUSE was established to read and study 'THE STUDY' and make recommendations to the 1979 Legislature. In addition to the Legislation that has been passed by you in the last 4 Legislatures, the Montana Task Force on Spouse Abuse has been able to have written a STATE TRAINING PACKET ON SPOUSE ABUSE developed for Mental Health Professionals and Clergy; a SPOUSE ABUSE PROTOCOL in the 61 State Hospitals; and a RAPE PROTOCOL in the 61 State Hospitals; a booklet with the STATEWIDE SERVICES entitled 'BATTERED WOMEN RIGHTS AND OPTIONS IN MONTANA'; do COMMUNITY INTERVENTION WORKSHOPS sponsored by the LAW ENFORCEMENT ACADEMY; plus spearhead GRASS ROOTS EDUCATION on the problem in Communities; do State Workshops in TRAINING ADVOCATES; training in the use of the STATE TRAINING PACKET; and a workshop in the latest research on the BATTERER and the CONTINUING CYCLE of DOMESTIC VIOLENCE.

In October 1982, the MONTANA COALITION AGAINST DOMESTIC VIOLENCE was formed and incorporated. We are continuing the GRASS ROOTS EDUCATION statewide(I do 60 Educational workshops and talks each year)plus have continued our State Workshops such as: Dr. Lenore Walker's latest RESEARCH on the BATTERED WOMEN and BATTERER; the"RELIGIOUS RESPONSE TO DOMESTIC VIOLENCE;"and THE BATTERERS PERSPECTIVE" at our Montana Coalition Against Domestic Violence State meetings.

The Great Falls Mercy Home, Inc. opened in May 1977, our first Shelter in Montana and one of 30 in the United States addressing the problem of Spouse Abuse. We have been able to give technical assistance and spearhead 6 other Shelters in the State and 12 Spouse Abuse Task Forces have Safe Homes (private homes for 3 day intervention) and network with the Shelters if needed, in addition to having grass roots education and outreach to all parts of the State. Listed below are recent updated services and educational outreach.*asterisk denotes Shelters.

- Hi-Line Help for Abused Spouses has done education and outreach to:Joplin, Box Elder,Ft. Belnap Reservation, Rocky Boy Reservation, Chinook, Hingham, Kremlin, Rudyard,State Workshop
- **GreatFalls Mercy Home** has done education and outreach to: Belt(trained an outreach Group Facilitator), Cascade, Stockett, Ulm, Vaughn, Sand Coulee, Choteau, Fort Benton, University of Montana (2 classes), Browning, Shelby, CutBank, Conrad, Lewistown, State Workshop.
- ** Missoula BWSshelter** has done outreach and education to: Stevensville, Hot Springs, Hamilton, Darby, Seeley Lake, Ronan, Frenchtown, Milltown, Potomac.
- Kalispell Rape Action Line has done education and outreach to: Bigfork, Whitefish, Columbia Falls, Olney, Pablo-Ronan, Dayton, Libby.
- Glasgow, Glendive and Miles City have had a 17 County State Grant until this past year when they did individual Grants but they have done outreach to: Sidney and Glasgow did outreach to Richland, Nashua, Malta
- Glendivedid outreach and education to Wibaux, Terry, and Circle Whitehall
- ** Helena Friendship Center** has done education and outreach to Boulder, Townsend, Augusta and
- ** Bozeman** has done education and outreach to: Belgrade, Ennis, Livingston, West Yellowstone, Big Sky, White Sulphur Springs, State Workshop.
- Dillon has done education and outreach to: Melrose, Sheridan, and Lima
- ** Butte Safe Space** has done education and outreach to:Whitehall, Twin Bridges, Sheridan, Anaconda, Deer Lodge.
- **Pablo-Ronan Shelter** supported by some Salish-Kootenai Monies opened in 1982 in Pablo-Polson, Ronan Area.
- **Billings Shelter** did outreach and education to: Ft. Belnap Reservation, Cheyenne Reservation
- Colstrip-Victims of Violence Task Force Crow Reservation and Colstrip.
- Lewistown- Spouse Abuse Emergency Services (SAVES)
- Libby - Lincoln Ct.Womens Help Line for Eureka and Troy
- Twin Bridges- has a 24 hr.Crisis Line/Information
- Whitehall - Jefferson Ct.Spouse Abuse Program

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 3

DATE 021885

BILL NO. SB 294

February 18, 1985

Capitol Station
Helena, Montana 59801

Dear Legislators,

I am the Legislative Representative from the Montana Coalition Against Domestic Violence and I am urging you to pass Senate Bill 294 (Redefining our Marital Rape Law.)

The Montana Coalition Against Domestic Violence is a network of Individuals and Organizations concerned about aggressive behaviour in our society, and interested in promoting a non-violent environment. Through technical and emotional support we will work to improve our response to DOMESTIC VIOLENCE (SPOUSE ABUSE AND CHILD ABUSE) in our Communities. Our Primary Purpose is to provide and maintain a standard for non-violence in human relationships.

The M.C.A.D.V. sponsored a 'LOVE WITHOUT FEAR' WEEK this past week around the State including Valentine's Day, so I think it is appropriate that we are addressing protective legislation dealing with a violent crime such as Marital RAPE.

In 1979, The State Task Force on Spouse Abuse (which I chaired for 4½ years) introduced SB 409 which eliminated the exclusion regarding rape between spouses if they are living apart "whether under a decree of judicial separation or otherwise." The Victim who testified on this Bill grew up in Missoula. She married and moved out of State, but found herself in a very violent relationship. She changed her name and moved into a different town in Montana and thought he would never find her. One night she came home and he had broken into her apartment, slashed all of her furniture with a knife, and slashed her 17 times and raped her. The 1979 Legislature passed this first protective legislation dealing with this problem.

As you are already aware, we are not talking about 'NORMAL FAMILY RELATIONSHIPS.' In 1984, my staff and I worked with 570 Women and Children in our Mercy Home Shelter, and 789 ADDITIONAL FAMILIES in outreach and aftercare. Because of our Educational effort we are doing much more prevention work.. We use an in-depth 3 page 'Confidential Intake form to get the case histories of the different types of abuse and we find RAPE is part of the Physical Violence in 70% of our cases.

I advocated and testified in Court this past year with a client who:

- had a .357 Magnum Pistol held to her head while he raped her.
- whose husband broke into her apartment (breaking a restraining order) with a shotgun and raped her.
- whose husband drank all day, was on amphetamines all evening, and raped her repeatedly all night.
- whose husband raped her after she was in labor and had asked him to take her to the hospital to deliver their child.
- whose husband raped her in front of their son, after a physical beating. (These are just a few of the cases we've worked with.)

Researchers and service providers have found that Children raised in a family where there is 'Spouse Abuse' learn 'violence is acceptable or normal behavior' and become abusers themselves even if they themselves are not abused.

Service providers in Montana are trying to offer options and education throughout the State against this 'learned behaviour'. We ask for your continued support in this 'PROTECTIVE LEGISLATION' of SB 294.

Sincerely yours,

Caryl Wickes Borchers

Caryl Wickes Borchers, Exec. Director Mercy Home

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 3

DATE 02/18/85

BILL NO. SB 294

Chair, State Task Force on Spouse Abuse 1978-1982

Leg. Rep. MONTANA COALITION AGAINST DOMESTIC VIOLENCE

February 18, 1985

Dear Legislators,

The act of rape is purely a crime of violence. It is not a sexual act or a crime of passion. It is brutal violence. The idea persists that women are victimized by strangers. In reality, statistics show 75% of all rapes to be acquaintance rapes. Add to this total the number of marital rapes and the number would be overwhelming.

As a volunteer working with battered women, I see a strong need for a law protecting married women from this violent crime. Women who have been physically assaulted by their husbands run a greater risk of becoming victims of rape than the average individual. These spouses need not be living apart for the criminal act of rape to occur.

The accounts, by battered women, of sexual assaults and marital rape are numerous. This story of one victim illustrates the need for legal action to be taken against the perpetrators of this violent crime.

Helen first came to us after she had been divorced from her husband, John, for two years. At this time John was fighting her for the custody of their two youngest children. It was only after working with us for a period of three years that Helen was able to recount the atrocities she was subject to in the course of their 11 year marriage.

The sexual assault John committed against Helen took numerous forms. While some were more physically and emotionally damaging; all the sexual abuse resulted in sexual degradation. Helen is quoted as saying, "Not only did I not feel like a woman, I no longer felt like a human being."

John's favorite fantasy, and one frequently lived out was to rape Helen. She was supposed to resist. Many time John committed this crime, seriously endangering Helen's health. The delivery of Helen's first child was a painful and difficult one. On the very day that she returned home from the hospital John raped her, tearing through still - tender stitches. On the day she returned home from the hospital after gall bladder surgery, John raped her again. The more she cried and tried to resist, the more pleasure he seemed to derive. It seemed to Helen that John could only enjoy sex if he made her cry by hurting her first.

Helen was not the only victim of John's violent nature. He tried on a number of occasions to rape his brother's wife as well as other married women in their neighborhood. Helen was the only victim, however, not protected by law.

The brutal assaults on Helen are not uncommon today. While marital rape does not happen in typical loving homes; it does, in fact, happen. Married women are entitled to protection from the crime of rape, regardless of the marital status of the criminal. Please provide women with this protection by supporting Senate Bill 294 - redefining the marital rape law.

Thank you.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 4

DATE 02/18/85

BILL NO. SB 294

Sincerely,

Norma Beck

RE: MARITAL RAPE - Senate Bill No. 294

Dear Legislators:

I have been asked to speak on behalf of many women in Montana who have been, are, or will be victims in a battering relationship. Women are victims in three types of situations: dating, marriage, and even after divorce. However, I would like to speak in reference to the issue of the married woman who has been raped by her husband.

I grew up in a religious family as my father is a minister. I have loving parents and while growing up, violence was in no way allowed in the home (aside of typical childhood spankings), and my parents, sisters and I shared mutual respect for one another. Also, having gone to private Christian schools all my life which provided a sheltered environment, I was quite naive to domestic violence.

After graduating from college, I became the victim of a battering relationship. I met a kind, loving, compassionate man who, after a time was no longer able to camouflage his flip side which consisted of insane jealousy, outbursts of violence that involved filthy language, knives, a gun, a pipewrench, throwing at me whatever knickknacks or other things he could get his hands on, manipulation, a drinking problem, severe beatings, and the list goes on. In addition to these things, I found out after I divorced him, that he had been in prison for almost killing his first wife (something he also nearly succeeded in doing to me on several occasions). After I left him, he served time again in prison in another state for almost killing a young man with a hammer. And the last thing I add to this list is marital rape.

Marital rape is something that most often occurred after a violent outburst during phase three of the battering cycle. This phase is made up of kind and contrite loving behavior by the batterer. In my own experience this happened many, many times. There were also occasions when my husband wanted me to take part in unnatural sexual relations. I always refused, and he always forced it on me regardless of how I felt about this degrading, immoral behavior. I can remember in particular one of these times when he badly beat me on the back with his heavy-heeled shoes that he wore to church.

Dr. Lenore Walker, one who has done an extensive study on the battering relationship, states in her research book, The Battered Woman, the following:


Most men feel that their wives' sexual availability is guaranteed by the marriage license. p. 126.

Marjory Fields, the New York City attorney specializing in domestic violence, states that if all the marital rapes were added to the official rape rate, the resulting figures would be overwhelming. Most of the women interviewed in this study felt they had been raped by their batterers. p. 108.

These women are trapped in this type of relationship for many reasons that time will not allow me to go into, and in many cases, they cannot speak for themselves. It takes a tremendous amount of courage and fortitude to make "the break" go get help. Marital rape, up until the past few years, has been a gray area that has now turned black. It is a very large part of the fears of its victims as it can be unpredictable.

Further marital rapes need to be prevented by putting these actions on the criminal's side. Let him take responsibility for his criminal behavior.

Thank you for your consideration and support.



SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 5

DATE 02/885

BILL NO. SB 294

(This sheet to be used by those testifying on a bill.)

NAME: Bailey Robinson DATE: 2/18/85

DATE: 2/18/85

ADDRESS: Helena

PHONE: 443-4530

REPRESENTING WHOM? Montana Psychological Assoc

APPEARING ON WHICH PROPOSAL: SB 294

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

SUPPORT? X

AMEND? _____

OPPOSE? _____

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

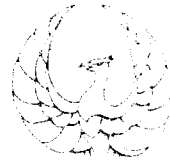
EXHIBIT NO. 6

EXHIBIT NO. _____
DATE 021885

DATE _____
BILL NO. SB 294

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



February 18, 1985

Testimony of the Women's Lobbyist Fund by Gail Kline, before the Senate Judiciary Committee on SB 294

Mr. Chair and other members of the Judiciary Committee

For the record my name is Gail Kline, representing the Women's Lobbyist Fund (WLF), speaking in favor of HB 547.

HB 547 only removes the words "not his spouse" from Section 45-5-503, Sexual intercourse without consent. Yet, by removing these three words you as legislators will make a positive impact on family life.

In Montana, marital rape is not a crime and can't be prosecuted. So the seeds of family violence are sown and the cycle of violence grows.

Friday, the Senate recognized rape as a violent act and included sexual intercourse without consent, in HB 103 for delinquent youth.

Now, we are asking you to recognize that rape in marriage is a crime being committed in Montana homes and that it will not be tolerated.

In the U. S. Department of Justice, Attorney General's Task Force on Family Violence, September 1984, page 4 said, "The legal response to family violence must be guided primarily by the nature of the abusive act, not the relationship between the victim and the abuser."

As of last week this violent act, rape in marriage, is illegal in 24 states plus Washington D.C. according to the Women's History Research Center, Inc. West Virginians just changed their law.

By passing SB 294, we make a positive impact on family life and add individual dignity for the victim of rape. We comply with our state constitution in that "The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws."

The WLF urges you to pass SB 294.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 7

DATE 02/18/85

BILL NO. SB 294

SENATOR TOWE'S PROPOSED AMENDMENTS TO SB 200:

1. Page 1, line 11.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 17.

Strike: subsection (2) in its entirety

Insert: "(b) An award of exemplary damages must be supported by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, actual or presumed. Presumed malice exists when a person knows or has reason to know of facts which create a high degree of risk of harm to the substantial interests of another, and either deliberately proceeds to act in conscious disregard of or indifference to that risk, or recklessly proceeds in unreasonable disregard of or in indifference to that risk.

(2) If a plaintiff sought exemplary damages in his complaint, but such damages were not awarded, the court shall submit to the jury, ~~if a jury has been impaneled, or make a separate finding if no jury has been impaneled,~~ a question concerning whether the jury found in the evidence presented any basis in fact for seeking exemplary damages. If the response to the question is negative, the court may, in its discretion, assess damages against the plaintiff in an amount not to exceed what is determined by the court to be reasonable attorney fees of the defendant incurred in defense of such claim."

If no jury has been impaneled the court shall make a separate finding on the question.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 8

DATE 02/8/85

BILL NO. SB 200

SENATOR PINSONEAULT'S PROPOSED AMENDMENTS TO SB 200:

1. Page 1, line 11.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 17.

Strike: subsection (2) in its entirety

Insert: "(b) In arriving at their decision in awarding exemplary damages, the jury must be convinced beyond reasonable doubt that the defendant has been guilty of oppression, fraud, or malice, actual or presumed. Presumed malice exists when a person knows or has reason to know of facts which create a high degree of risk of harm to the substantial interests of another, and either deliberately proceeds to act in conscious disregard of or indifference to that risk, or recklessly proceeds in unreasonable disregard of or in indifference to that risk.

(2) If a plaintiff sought exemplary damages in his complaint, but such damages were not awarded, the court shall submit to the jury, if a jury has been impaneled, or make a separate finding if no jury has been impaneled, a question concerning whether the jury found in the evidence presented any basis in fact for seeking exemplary damages. If the response to the question is negative, the court may, in its discretion, assess damages against the plaintiff in an amount not to exceed what is determined by the court to be reasonable attorney fees of the defendant incurred in defense of such claim."

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 9
DATE 02/8/85
BILL NO. SB 200

(Type in committee name, committee members, secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 02/885 Senate Bill No. 200 Time 11:50

NAME	YES	NO
Senator Chet Blaylock		X
Senator Bob Brown	X	
Senator Bruce D. Crippen	X	
Senator Jack Galt		X
Senator R. J. "Dick" Pinsoneault	X	
Senator James Shaw	X	
Senator Thomas E. Towe	X	
Senator William P. Yellowtail, Jr.	X	
Vice Chairman	X	
Senator M. K. "Kermit" Daniels	X	
Chairman		
Senator Joe Mazurek	X	X

Cindy Staley
Secretary

Mazurek
Chairman

Motion: Adopt Sen. Towe's amendments

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

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 10

DATE 02/885

BILL NO. SB 200

STANDING COMMITTEE REPORT

Page 1 of 5

February 18 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 28

first reading copy (white)
color

EXTENDING RES. WATER RIGHTS COMPACT COMM AND CHANGES IN WATER ADJUDICATION

Respectfully report as follows: That SENATE BILL No. 28

be amended as follows:

1. Title, lines 8 through 10.

Following: "NECESSARY;" on line 8

Strike: remainder of line 8 through "UNCHANGED" on line 10

Insert: "PROVIDING AN ALTERNATE STATEMENT OF CLAIM FOR RESERVED RIGHTS
NOT YET PUT TO USE; SPECIFYING THE INFORMATION RELATING TO RESERVED
RIGHTS TO BE INCLUDED"

2. Title, line 12.

Following: "COMMISSION;"

Insert: "REQUIRING THE COMMISSION TO MAKE STATUS REPORTS TO THE WATER
JUDGE;"

3. Title, line 13.

Following: "85-2-217,"

Insert: "85-2-224,"

Following: "85-2-234,"

Strike: "AND"

Following: "85-2-702,"

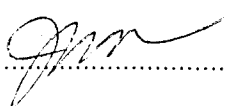
Insert: "AND 85-2-704,"

*committee recon-
sidered its action
on 022085*

~~XXXXXXX~~

~~XXXXXXXX~~

CONTINUED


Chairman.

4. Page 2, line 14.

Following: line 13

Insert: "Section 2. Section 85-2-224, MCA, is amended to read:

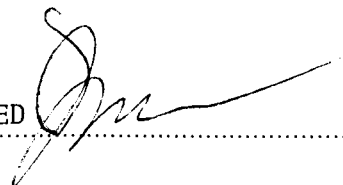
85-2-224. Statement of claim. (1) The statement of claim for each right arising under the laws of the state and for each right reserved under the laws of the United states which has been actually put to use shall include substantially the following:

- (a) the name and mailing address of the claimant;
- (b) the name of the watercourse or water source from which the right to divert or make use of water is claimed, if available;
- (c) the quantities of water and times of use claimed;
- (d) the legal description, with reasonable certainty, of the point or points of diversion and places of use of waters;
- (e) the purpose of use, including, if for irrigation, the number of acres irrigated;
- (f) the approximate dates of first putting water to beneficial use for the various amounts and times claimed in subsection (c); and
- (g) the sworn statement that the claim set forth is true and correct to the best of claimant's knowledge and belief.

(2) The Any claimant filing a statement of claim under subsection (1) shall submit maps, plats, aerial photographs, decrees, or pertinent portions thereof, or other evidence in support of his claim. All maps, plats, or aerial photographs should show as nearly as possible to scale the point of diversion, place of use, place of storage, and other pertinent conveyance facilities.

(3) Any statement of claim for rights reserved under the laws of the United States which have not yet been put to use shall include substantially the following:

- (a) the name and mailing address of the claimant;
- (b) the name of the watercourse or water source from which the right to divert or make use of water is claimed, if available;
- (c) the quantities of water claimed;



(d) the priority date claimed;

(e) the laws of the United States on which the claim is based; and

(f) the sworn statement that the claim set forth is true and correct to the best of claimant's knowledge and belief."

Renumber: subsection sections

5. Page 3, lines 16 and 17.

Following: "decree" on line 16

Strike: "remainder of line 16 through "purposes," on line 17

6. Page 3, lines 19 and 20.

Following: "agency" on line 19

Strike: remainder of line 19 through "congress" on line 20

7. Page 4, lines 14 and 15.

Following: "decree" on line 14

Strike: remainder of line 14 through "alteration" on line 15

Insert: "Provided that the water judge may, after the hearing required to be held by 85-2-233, relieve any person objecting to the compact from all its provisions. A person so relieved shall remain free to litigate all issues in the pending case without, however, receiving any assistance from any person who did not file a timely objection to the compact. Provided, further, that where a person is relieved from the provisions of a compact pursuant to this section, the compact provisions shall nonetheless be considered prima facie valid in all subsequent litigation before the water judge and any person relieved from those provisions shall carry the burden of proof on all contested issues of fact and law."

8. Page 4, line 22.

Following: "1973"

Insert: ", and of any federal agency or Indian tribe possessing water rights arising under federal law, required by 85-2-702 to file claims"

9. Page 4, line 25.

Following: "person"

Insert: ", federal agency, and Indian tribe"

10. Page 5, line 3.

Following: "right"

Insert: "arising under the laws of the state of Montana"

11. Page 5, line 19.

Following: line 18

Insert: (6) For each person, tribe, or federal agency possessing water rights arising under the laws of the United States, the final decree shall state:

(a) the name and mailing address of the holder of the right;

(b) the source or sources of water included in the right;

(c) the quantity of water included in the right;

(d) the date of priority of the right;

(e) the purpose for which the water included in the right is currently used, if at all;

(f) the place of use and a description of the land, if any, to which the right is appurtenant;

(g) the place and means of diversion, if any; and

(h) any other information necessary to fully define the nature and extent of the right, including the terms of any compacts negotiated and ratified under 85-2-702."

12. Page 6, line 15.

Following: "Montana"

Strike: ","

Insert: "and"

13. Page 6, lines 16 and 17.

Following: "body" on line 16

Strike: remainder of line 16 through "authority" on line 17

14. Page 6, line 18.

Following: "its"

Strike: "approval"

Insert: "ratification"

15. Page 6, line 19.

Following: "tribe"

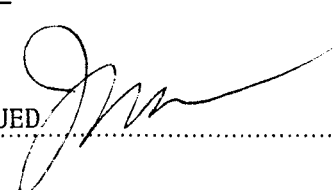
Strike: "or federal agency"

16. Page 6, lines 20 and 21.

Following: "decree"

Strike: remainder of line 20 through "purposes" on line 21

CONTINUED



17. Page 6, line 23.

Following: "decree"

Strike: "without alteration"

18. Page 6, line 24.

Following: "tribe"

Strike: "or federal agency"

19. Page 6, line 25.

Following: "all"

Strike: "federal and"

20. Page 7, line 6.

Following: line 5

Insert: Section 6. Section 85-2-704, MCA, is amended to read:

"85-2-704. Termination of negotiations. (1) The commission or any ~~other-party-to-the-negotiations~~ negotiating tribe or federal agency may terminate negotiations by providing notice to all parties 30 days in advance of the termination date. On the termination date, the suspension of the application of part 2 provided for in 85-2-217 shall also terminate. The tribe or federal agency shall file all of its claims for reserved rights within ~~60-days~~ 6 months of the termination of negotiations.

(2) Once negotiations have been terminated pursuant to subsection 910, they may be reopened only by mutual agreement of the parties.

NEW SECTION. Section 7. Status reports to chief water judge.

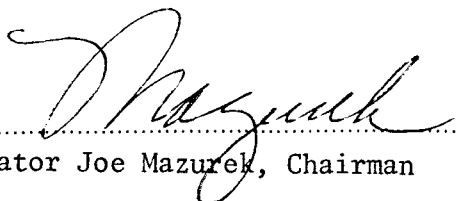
(1) The Montana reserved water rights compact commission must submit to the chief water judge, appointed pursuant to 3-7-221, a report on the status of its negotiations on July 1, 1985, and every 6 months thereafter.

(2) Each report must state which Indian tribes and federal agencies are engaged in negotiations, whether any negotiations with Indian tribes or federal agencies have been terminated, and the progress of negotiations on a tribe-by-tribe and agency-by-agency basis. The report must be made available to the public."

Renumber: subsection section

AND AS AMENDED

DO PASS


.....
Senator Joe Mazurek, Chairman

STANDING COMMITTEE REPORT

February 18

85

..... 19.....

MR. PRESIDENT

JUDICIARY

We, your committee on

SENATE BILL

200

having had under consideration..... No.....

first reading copy (white)
color

LIMITING PUNITIVE DAMAGES IN CIVIL ACTIONS.

Respectfully report as follows: That..... SENATE BILL..... No. 200.....

be amended as follows:

1. Page 1, line 11.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 17.

Strike: subsection (2) in its entirety

Insert: "(b) An award of exemplary damages must be supported by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, actual or presumed. Presumed malice exists when a person knows or has reason to know of facts which create a high degree of risk of harm to the substantial interests of another, and either deliberately proceeds to act in conscious disregard of or indifference to that risk, or recklessly proceeds in unreasonable disregard of or in indifference to that risk.

(2) If a plaintiff sought exemplary damages in his complaint, but such damages were not awarded, the court shall submit to the jury a question concerning whether the jury found in the evidence presented any basis in fact for seeking exemplary damages. If no jury has been impaneled, the court shall make a separate finding on the question. If the response to the question is negative, the court may, in its discretion, assess damages against the plaintiff in an amount not to exceed what is determined by the court to be reasonable attorney fees of the defendant incurred in defense of such claim."

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

*Committee reconsidered
its action on this
bill on 02/18/85, 6:00
p.m. meeting*

.....
Senator Joe Mazurek

.....
Chairman.

STANDING COMMITTEE REPORT

Page 1 of 2

February 18

1985

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 200

first reading copy (white)
color

LIMITING PUNITIVE DAMAGES IN CIVIL ACTIONS

Respectfully report as follows: That SENATE BILL No. 200

be amended as follows:

1. Title, lines 6 and 7.
Following: "DATE" on line 6
Strike: remainder of line 6 through "DATE" on line 7
2. Page 1, line 11.
Following: "(1)"
Insert: "(a)"

~~XXXXXX~~

~~XXXXXXXXXX~~

CONTINUED

Chairman.

Page 2 of 2

SENATE BILL NO. 200

3. Page 1, line 17.

Strike: subsection (2) in its entirety

Insert: "(b) An award of exemplary damages must be supported by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, actual or presumed. Presumed malice exists when a person knows of facts which create a high degree of risk of harm to the substantial interests of another, and either deliberately proceeds to act in conscious disregard of or indifference to that risk, or recklessly proceeds in unreasonable disregard of or in indifference to that risk.

(2) If a plaintiff sought exemplary damages at trial, but such damages were not awarded, the court shall submit to the jury a question concerning whether the jury found in the evidence presented any basis in fact for seeking exemplary damages. If no jury has been impaneled, the court shall make a separate finding on the question. If the response to the question is negative, the court may, in its discretion, assess damages against the plaintiff in an amount not to exceed what is determined by the court to be reasonable attorney fees of the defendant incurred in defense of such claim."

AND AS AMENDED

DO PASS

Senator Joe Mazurek, Chairman

STANDING COMMITTEE REPORT

February 18 1985

MR. PRESIDENT

JUDICIARY

We, your committee on

SENATE BILL

having had under consideration No. 294

first

reading copy (white)
color

INCLUDE SPOUSE IN THE OFFENSE OF SEXUAL INTERCOURSE WITHOUT CONSENT

Respectfully report as follows: That SENATE BILL No. 294

DO PASS

~~DO NOT PASS~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

February 18

19 35

MR. PRESIDENT

JUDICIARY

We, your committee on

SENATE BILL

having had under consideration

No. 321

first

reading copy (white)
color

CONSIDER DANGER TO COMMUNITY, OTHERS TO SET BAIL; EXPAND BAIL CONDITIONS.

Respectfully report as follows: That

SENATE BILL

No. 321

DO PASS

~~DO NOT PASS~~

Senator Joe Mazurek

Chairman.