

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 13, 1987

The fifth meeting of the Senate Judiciary Committee was called to order at 10:10 a.m. on January 13, 1987 by Vice Chairman Bruce Crippen in Room 325 of the Capitol Building.

ROLL CALL: All Committee members present but for Senator Mazurek who would be late because he was presenting a bill in another committee.

CONSIDERATION OF SB 33: Senator J.D. Lynch of Senate District #34 said the bill is an attempt to do something for the merchants of Montana who are losing annually \$84 million a year, according to the Montana Retail Association, to the crime of shoplifting. Senator Lynch commented that shoplifting in our society is thought of as a small child taking a piece of candy. He said it is a theft and it is not just costing merchants, but every citizen in Montana, because of the increase costs of items as a result of shoplifting. He stated it is estimated this crime has risen 45 percent in the state, and nationally it has increased to \$24 billion. He said the bill will make the merchant a deterrent to the crime, because it will cause prosecution to be at its fullest and the penalties will be severe. Senator Lynch told that a meeting took place in Butte last spring and there were over 120 people who showed up to voice their opinions on shoplifting. He pointed out the group in Butte showed him some of the ingenious ways people shoplift, such as a lady pretending to be pregnant, but isn't; to a gentlemen with a fake arm, which can be filled with goods. He felt the merchant should get the "first count", because many times when the shoplifter is caught, the items stolen are either dirty, used, or broken. Senator Lynch said the intent is making a person, who can not pay a fine after shoplifting, to perform a service for the victimized establishment worth twice the price of the items stolen. He explained it did not mean the merchants would be using "whips and chains", but it is an option to use. He felt some would decline this option because it is giving the shoplifter a second chance to steal while working off his punishment. He said it is like "the fox in the chicken coop". He stated if the store does not use this option, then the accused will do community service designated by the court. Senator Lynch asked the committee to feel free to make the bill stronger in any areas.

PROPOSERS: George Allen, representing the Montana Retailers Association, supported SB 33. He pointed out nationally 95 percent of people who are caught shoplifting had the money to pay for it, and many people don't

steal necessities, like food, but luxuries. He related a story to the committee about a lady caught shoplifting in his store and the judge fined her \$50. He said she laughed at the judge and threw the money at him and walked away. He commented she had a good job with the government and was respected. Mr. Allen felt community service punishments would have embarrassed this lady and probably do more for her than the fine.

OPPONENTS: None.

DISCUSSION ON SB 33: Senator Blaylock asked Senator Lynch if the Silver Bow county attorney is pursuing this crime's cases to full potential. Senator Lynch replied yes, and that many big chain stores are presecuting for even the smallest amount stolen now because they want an end to it, but the smaller stores can't pay the court costs for small items stolen. Senator Blaylock stated this is what he feared that the county attorney doesn't take up a case because of the minute cost of an item that is involved is not worth it, and if that is the case, this bill, made into law, would not be effective or used. Senator Lynch said all he wanted was Montana to have the strongest shoplifting law and maybe it won't be used at all times, but if it could cut the problem by 10 percent, that would help.

Senator Bishop asked if the service to the community is only for those who could not pay. Senator Lynch said community service is in lieu of a fine if it is a greater deterrent, and it could be imposed on anyone. Senator Bishop thought Mr. Allen said community service would be an addition to a fine. Senator Lynch felt subsection (6)(b) could strike the word "merchant" from it. He said it won't make the merchant look like a slave driver.

Senator Pinsoneault asked Mr. Allen how much of the crime is done by organized groups. Mr. Allen said only about 6 percent to 10 percent is done by professionals; 78 percent were under the age 35; 55 percent were under the age of 18; and 9 percent were under the age of 12.

Senator Halligan questioned that restitution is an option already under the law and this is just adding a service provision. Senator Lynch responded that the restitution was not enough for the merchants because the restitution was usually the returning of a dirty, broken or damaged item. He said there needs to be more of a deterrent in decreasing this crime.

Senator Halligan related his first case in the county attorney's office in Missoula, which was called the "Bologna Caper". He said the case went to a jury trial and he lost because they could not find the wrapper the bologna was in. He inquired if Senator Lynch has checked with the

Justice of The Peace Association because they will have to monitor the community service that might be ordered. He said this group might need more people to run that part of the bill.

Senator Crippen asked if any research has been done on the question of involuntary servitude. Senator Lynch replied that the researcher who drafted the bill did research the surrounding states' law. Senator Crippen felt involuntary servitude was adding another level to the law as it stands.

Senator Lynch closed by saying that the law on the books is not working and something should be done to control the crime.

CONSIDERATION ON SB 77: Senator Dick Pinsoneault from Senate District #27 said the bill is a "spin off" from the two celebrated cases that have happen in Montana within the last 1½ years being the "Mountain Men" trial of Gallatin county and the hostage case in Lake county. He said both cases involved aggravated kidnapping and the killing of a person, who was not the victim. He pointed out there is another bill coming that would define "felony murder" differently and deals with mitigated homicide. He said that bill is related to this bill and would like to hold SB 77 from executive session until the related bill is heard in Judiciary Committee. He told the committee in an authorized death penalty case, the judge will have a closed hearing after the jury trial and then the judge hears anything because the rule of evidence does not apply. He said the death penalty statute sets forth a "laundry list" of both aggravating and mitigating circumstances. He stated the aggravating circumstances in section 46-18-303 is what needs to be amended. Senator Pinsoneault discussed the definition of aggravated kidnapping, (see Exhibit 1) and discussed mitigating circumstances which he defined as:

1. the defendant has no previous record.
2. the defendant was under extreme mental disturbance.
3. the defenant was under the age of 18.

He read section 46-18-305 of the statute, which discussed choosing the death penalty with the terms of aggravated kidnapping or mitigating circumstances. He said the bill expands the death penalty, but the judges still have the discretion not to use the death penalty because of section 46-18-305, especially if there are mitigating circumstances. He said he wanted to add the following words to subsection (7) in 46-18-303 MCA:

"or a person who rescued or attempted to rescue a person."

He said the judge could include this when deciding on aggravated kidnapping cases that might use the death penalty.

PROPONENTS: Representative John Mercer of House District #50, Polson, said the reason for the bill is if a victim dies in an aggravated kidnapping, you can have the death sentence, but if a rescuer is killed the death sentence can not be used. He felt this was not a good idea, because there should be no distinction between the two cases. He explained the technical problem of the bill deals with the "felony murder rule". He said a deliberate homicide can come under the felony murder rule where if one is committing a felony theft and one is killed during the act, it is called criminal homicide. He said criminal homicide and deliberate homicide is not the same thing. He explained a negligent homicide is included within criminal homicide, and this means if the thief is in a "grossly negligent" manner while escaping from a theft, it would be treated as a deliberate homicide because the thief was committing another felony at the same time. He said the trouble begins when applying it to this bill because an aggravated kidnapping that results in the death of a victim; under the current law, is not known if the kidnapper deliberately or negligently killed the victim. He said this is where the "felony murder rule" and the bill comes into play. He commented it includes the rescuers now, but the gray area is if a rescuer is killed unintentionally by the kidnapper, it would come under this statute because it would be defined as a negligent homicide. He felt the intent is to have the death penalty for rescuers of kidnapped victims that are intentionally shot. He said the statute and the bill go way beyond that, with respect to the victim and rescuers, because of the "felony murder rule". He commented there is a gray area with this and it should be looked at carefully.

OPPONENTS: John Ortwein, Montana Catholic Conference, opposed SB 77 (see Exhibit 2, written testimony).

Mignon Waterman of Helena, representing the Montana Association of Churches, opposed SB 77 (see Exhibit 3, written testimony)

Elenor Wend, Peace Legislative Coalition, opposed SB 77 (see Exhibit 4, written testimony).

DISCUSSION ON SB 77: Senator Blaylock inquired what the aim was of the bill. Senator Pinsonneault replied that in his closing he will discuss the aim.

Senator Mazurek asked how Senator Pinsonneault was going to define rescue. Senator Pinsonneault said he had no answer; people have lost their lives being involved in these cases and it needs to be addressed.

Senator Halligan asked John Ortwein what he suggested to do with the offenders as far as a punishment, so the victim's family feels compensation for the act; is there alternatives to the system. John Ortwein believed

the majority on death row are minority groups and poor and we hope to push statewide and nationally for poor and minority groups to get away from the crimes that are death row crimes. He hoped restitution to the victim's family would be fulfilled in a prison setting.

Senator Beck asked what the litigation costs are to the public for keeping someone on death row compared to a life sentence. He said it appears to him that it is a constant litigation problem to keep them from receiving the death penalty. Representative Mercer said it is far more expensive to the state to convict someone of the death penalty. He felt the death penalty is a deterrent and justice for some crimes. He believes the court system is screwed up because it is not implementing what the people feel is justice.

Senator Brown asked what in our law is preventing death row cases to be implemented. He commented this law would be useless because of the non-implementing of the act. Representative Mercer said it is the parole rights that stop it because if one is on death row they can not be paroled, so they won't get out at all. He stated he did not understand why the courts delay in the death penalty, except that it involves state and federal court procedures. He hoped there would be a public outcry to make the justice system use the law on the books.

Senator Pinsoneault closed by saying while he lived in Japan he would not be afraid of his family's safety, because of the Japanese criminal system. He visited a young army private who robbed a taxi driver for about 33¢ (American money). He said the man served 3 years with no parole; he lived in a very sparse condition. Senator Pinsoneault said this is a comparison to our justice system. He stated he was a Catholic, but he felt the victim is never recognized; and when Christ found the money changers in the temple he beat the hell out of them.

Senator Crippen asked if Japan had the death penalty. Senator Pinsoneault responded for only the death of a police officer can they get the death penalty.

The Committee adjourned the hearings to do some executive action on several bills.

ACTION ON SB 40: Mr. Hiram Shaw, Bureau Chief of Division of Worker's Comp., gave the committee information on the fiscal impact of amending SB 40 to include sexual crime victims and immediate relatives of victims of crime (see Exhibit 5). Senator Halligan asked if Mr. Shaw looked at only those sexual assaults that involved a non-family member. Mr. Shaw replied that his information was not broken down into those kind of categories, so he did not look at that area. Senator Mazurek questioned Senator Halligan on what the percentage is in Missoula for family member

sexual abused and non-family member sexual abuse cases. Senator Halligan replied it is a 50/50 split in Missoula. Senator Halligan commented he would still like the bill kept to just homicide victims. Senator Pinsoneault said he agreed. Senator Beck questioned if the mental health centers were not enough access to many of these people. Senator Mazurek felt the parents and spouse have the hardest time dealing with a death. He thought the \$1,000 payment for the treatment should be decreased to \$500, so the state could serve more people in this area. Valencia Lane stated that the amendments she gave to the committee from Senator Halligan applies to the victim and family of the victim of a sexual crime committed by a non-family member:

1. Title, line 7.

Following: "CONDUCT"

Insert: "OR A MINOR VICTIM OF A SEXUAL CRIME OR HIS IMMEDIATE FAMILY"

2. Page 4, line 18.

Following: line 17

Strike: "(9)(b)"

Insert: "(9)(c)"

3. Page 4.

Following: line 21

Insert: "(b) Subject to the limitations is subsection (9)(c), a minor who is a victim of a sexual crime and who is not entitled to receive services under Title 41, chapter 3, or the parent, brother, or sister of such a minor is entitled to reimbursement for mental health treatment received as a result of the crime."

4. Page 4, line 22.

Following: line 21

Strike: "(b)"

Insert: "(c)"

Following: "under"

Strike: "subsection"

Insert: "subsections"

Following: "(9)(a)"

Insert: "and (9)(b)"

She felt there would be a problem with who is considered a family member; whoever the parent allows near the child. She said a conviction in the sex crime would be required before a person could get compensated mental health treatment the way it reads now. She suggested the language to insert in amendment number 3: "for which a person has been charged" She felt this would aid those people that were victims of sex crimes in which there was no conviction. Amendment number 3 states with the addition:

Insert: "(b) Subject to the limitations in subsection (9)(c), a minor who is a victim of a sexual crime for which a person has been charged and who is not entitled to receive services under Title 41, chapter 3, or the parent, brother, or sister of such a minor is entitled to reimbursement for mental health treatment received as a result of the crime.

Senator Blaylock moved the amendments, with the addition in Amendment 3. The motion carried with Senator Beck voting no. Senator Blaylock moved on page 4, line 23:

Strike: "\$1,000"
Insert: "\$500"
Strike: "\$5,000"
Insert: "\$1,500"

Senator Mazurek felt the fiscal note will be definitely important to get it through the Senate. The motion carried unanimously. Senator Blaylock moved the bill DO PASS. The motion carried with Senator Bishop and Senator Beck voting no.

ACTION ON SB 41: Valencia Lane handed out to the committee Senator Pineseault's amendments on SB 41:

1. Page 2, line 8.
Following: line 7
Strike: "public nuisance"
Insert: "condition"

2. Page 2, lines 12 through 18.
Following: "condtion" on line 12
Strike: the remainder of line 12 through "nuisance" on line 18

Senator Pineseault felt the amendments cleared up some of the confusion in the bill about what a "public nuisance" is and it eliminates the 10 to 12 month resident period needed before a complaint could be brought to the county attorney. Senator Pineseault moved the amendments. Senator Blaylock told the committee that Montana Power put up a west side dump just outside of Billings and three complaints could stop this in its tracks. The amendments were seconded and passed. Senator Blaylock asked if the bill would stop three people from complaining about the dump site in Billings because it can be real easy to complain. Senator Pineseault stated you have to make sure it falls under the bill and the judge will be the deciding factor in the hearing whether the situation is a valid cause to take action on. Senator Brown informed the committee that a lady near Glacier Park complained about the road work going by

her property and caused quite a bit of time delay on the road work. Senator Pinsoneault said the lady was probably there before the construction came in. Senator Halligan felt not too many county attorneys will go up against a big company that has public nuisance complaints against it. Senator Mazurek felt the county attorneys won't go through with what he could do for the complaintants. Senator Yellowtail felt that the passing of this bill would make the county attorneys take action. Senator Beck felt the law is already there and does not need to be changed, but the county attorneys are not working as hard as they could on these matters. Senator Pinsoneault said the county attorneys he talked to felt it would make it easier to charge and prosecute complaints. Senator Pinsoneault moved the amended bill to DO PASS. The motion carried.

Action on SB 57: Senator Mazurek gave an amendment to the committee on SB 57:

1. Title, line 6.

Following: "TREASURY"

Insert: "CLARIFYING THE TIME FOR EXECUTION AND RETURN OF A WRIT OF EXECUTION;"

2. Page 3.

Following: line 16

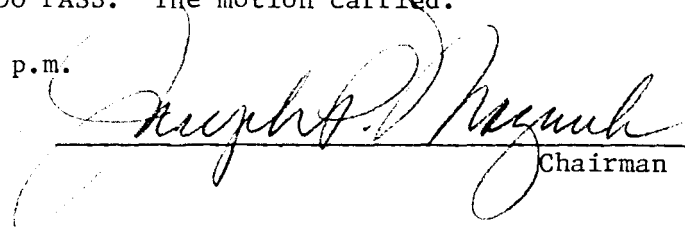
Insert: "Section 3. Section 25 13 402, MCA, is amended to read:

"25-13-402. How writ executed. The sheriff must execute the writ against the property of the judgment debtor no later than 60 days after receipt of the writ by levying on a sufficient amount of property, if there be sufficient, collecting of selling the things in action, and selling the other property and paying to the plaintiff or his attorney so much of the proceeds as will satisfy the judgment. Any excess in the proceeds over the judgment and accruing costs must be returned to the judgment debtor unless otherwise directed by the judgment or order of the court. When there is more property of the judgment debtor than is sufficient to satisfy the judgment and accruing costs within the view of the sheriff, he must levy only on such part of the property as the judgment debtor may indicate if the property indicated be amply sufficient to satisfy the judgment and costs."

Renumber: subsequent sections

He said it will make it clearer about the excuting of the writ against the property being no later than 60 days after the receipt of the writ. Senator Halligan moved the amendments and they carried unanimously. Senator Halligan moved the bill DO PASS. The motion carried.

The committee adjourned at 12:00 p.m.


Chairman

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 13th

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>		X	
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

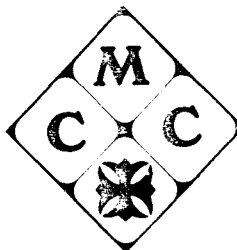
SUMMARY OF SB 77

(Prepared by the Senate Judiciary Committee staff)

SB77 amends the statutes relating to the death penalty by providing that aggravated kidnapping that results in the death of the victim (existing law) or the death of a person who rescues or attempts to rescue the victim (proposed amendment) is an aggravating circumstance for purposes of deciding whether to impose the death penalty. Aggravated kidnapping is kidnapping that is committed for the following purposes:

- (a) to hold for ransom or reward or as a shield or hostage;
- (b) to facilitate commission of any felony or flight thereafter;
- (c) to inflict bodily injury on or to terrorize the victim or another;
- (d) to interfere with the performance of any governmental or political function; or
- (e) to hold another in a condition of involuntary servitude.

COMMENTS: None.



Montana Catholic Conference

January 13, 1986

CHAIRMAN MAZUREK AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

I am John Ortwein, representing the Montana Catholic Conference. The Montana Catholic Conference serves the liaison between the two Roman Catholic Bishops of the State of Montana in matters of public policy.

The Catholic Church ^{believes} in a consistent life ethic. In other words, all of life has value from the moment of conception to the moment of death. At the same time the Bishops recognize the responsibility of society to protect its citizens and have affirmed that those who commit harm to persons or property must be held accountable for their actions.

After much prayerful consideration, the United States Catholic Bishops with the respect for all human life as a foundation, based its opposition to capital punishment on three facts. (1) The death penalty will not deter crime; (2) the death penalty is inequitably administered; and (3) the death penalty ~~will~~ ^{may} execute innocent people.

It is crucially important for us as Christians that we not turn the convicted criminal into a non-person, an alien object of fear and vengeance. The criminal shares in our history, our life as a community, our call to be a people of justice and peace.

Instructed by the Lord God, "Thou shall not kill," Christians have a moral obligation to respect and protect all human lives. The Church in Montana must assert that violence is not an honest nor workable solution to the problem of violence.

The Montana Catholic Conference would urge a "no" vote on Senate Bill 77.



January 13, 1987

WORKING TOGETHER:

American Baptist Churches
of the Northwest

American Lutheran Church
Rocky Mountain District

Christian Church
(Disciples of Christ)
in Montana

Episcopal Church
Diocese of Montana

Lutheran Church
in America
Pacific Northwest Synod

Roman Catholic Diocese
of Great Falls-Billings

Roman Catholic Diocese
of Helena

United Church
of Christ
MT-N.WY Conference

United Methodist Church
Yellowstone Conference

Presbyterian Church (U.S.A.)
Glacier Presbytery

Presbyterian Church (U.S.A.)
Yellowstone Presbytery

MR. CHAIRMAN AND MEMBERS OF THE SENATE JUDICIARY
COMMITTEE:

I am Mignon Waterman of Helena, representing
the Montana Association of Churches.

We are opposed to SB77 because we are opposed
to capital punishment.

We do not wish to ignore violent crime, nor
condone it, but we believe that capital punishment
may mask a desire for retribution and retribution is
not necessarily justice.

Society drafts laws to protect its values and
capital punishment undermines those values. Laws
enacted to protect society from killing should not
approve more killing.

There is no conclusive evidence to show that the
death penalty is a deterrent to crime.

The Montana Association of Churches is opposed
to SB77 because we oppose capital punishment.

Jan 13, 1980

SB 77

Chairman _____ member _____
 Judiciary Comm. Eleanor Wend
 For the Record ... P.L.C.

We speak in opposition to SB 77
 We find there are implications
 involved in Montana's ~~death~~ ^{capital}
~~penalty~~ code which warrant
 a reduction and finally a repeal
 rather than expansion of its
 clauses.

- First of all there is
 much unresolved debate as to
 the efficacy of a ~~death~~ ^{capital}
~~penalty~~ as a deterrence to
 violent crime. The acceptance
 of the ~~death penalty~~, acknowledgment
 of futility and curtails consideration
 of other avenues of rehabilitation
 as a possibility.

Another way of putting
 the ~~death penalty~~ ^{capital punishment} is in the
 phrase 'legalized murder'.
 It gives whoever is in authority
 the option to perpetuate
 violence for violence, rather
 than seeking more civilized &
 humane solutions.

Statistically nationwide
we find the recipients of the
death penalty to be overwhelming
of minority groups.

Of all the Western
democracies only the US.
still ~~regards~~ ^{recognizes} Capital
punishment as legitimate.

Therefore we urge
members of this committee
to fail this expansion
of ~~the~~ ^{the} death penalty and
further question the
existence of the entire
Code. I will leave you with
Oliver Wendell Holmes's
~~thoughts on this~~ ^{thoughts on this} ~~of the~~ ^{of the} ~~issue~~ ^{issue} "The judicial system
makes mistakes and the
death penalty is one you
can't undo."

DEPARTMENT OF LABOR & INDUSTRY

DIVISION OF WORKERS' COMPENSATION

TED SCHWINDEN, GOVERNOR

MARGARET "PEG" CONDON BLDG.
5 SO. LAST CHANCE GULCH



STATE OF MONTANA

HELENA, MONTANA 59601

January 12, 1986

SENATE JUDICIARY

EXHIBIT NO. 5
DATE Jan. 13, 1987
BILL NO. SB 40

Honorable Joe Mazurek
Chairman, Senate Judiciary Committee
Montana Legislature
Capitol Station
Helena, MT 59620

RE: Senate Bill 40 Supplemental Testimony

Dear Senator Mazurek:

Your Committee asked for supplemental testimony on the fiscal impact of amending SB40 to include immediate relatives of all crime victims and of victims of sexual assault only.

Current funding of benefits is appropriated from 18% of highway patrol fines and forfeitures (state special revenue fund) and federal special revenue funds.

	<u>Budgeted</u>	<u>Actual</u>
FY 86 State Appropriation	\$430,000	\$430,000
Administration	61,019	57,077
Benefits	<u>368,981</u>	<u>365,863</u>
Balance	-0-	\$ 7,060
Federal Revenue	\$150,000	-0-

Federal funds available for FY88-89 are estimated at \$136,000.

1.	Estimate of added costs due to SB 40:	\$ 30,000
2.	Estimate of added costs for all victims	\$240,000
	Total Paid Victims FY86 = 300	
	Victims SB40 = 20	\$ 30,000
	Total Other Victims	<u>280</u>
	50% of All Other Victims = 140	
	140 X 1.5 Relatives X \$1000	\$210,000

Administration
406-444-6518

Division Telephones:
Insurance Compliance
406-444-6530

Safety
406-444-6401

SENATE JUDICIARY

EXHIBIT NO. 5

DATE Jan. 13, 1987

FILE NO. SB 40

Page 2
January 12, 1987
Honorable Joe Mazurek
RE: Senate Bill 40 Supplemental Testimony

3. Estimates of added costs for homicide and sexual assault victims:	\$208,500
Total Paid Sexual Assault Victims FY86 = 159	
Victims SB40 = 20	\$ 30,000
75% of All Sexual Assault Victims = 119	
119 X 1.5 Relatives X \$1,000	178,500

Conclusions:

Current effort state special revenue benefits (\$365,863) plus federal special revenue (\$136,000) totals \$501,863. Therefore, at least \$136,000 should be available for counseling. The current funding estimates can accommodate homicide victims' families, but would require supplements of \$104,000 for homicide and all other victims or \$72,500 for homicide and sexual assault victims' families only.

Please let me know if I can furnish further information.

Sincerely,



Hiram Shaw, Chief
Insurance Compliance Bureau

HS:pe

c: Senator Mike Halligan

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date January 13 1987 Bill No. SB 41 Time 11.50 a.m.

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Senator Joe Mazurek, Chairman		X
Senator Bruce Crippen, Vice Chairman	X	
*Senator Tom Beck	X	
Senator Al Bishop		X
Senator Chet Blaylock	X	
Senator Bob Brown	X	
Senator Jack Galt		
Senator Mike Halligan	X	
Senator Dick Pinsoneault	X	
Senator Bill Yellowtail	X	

Mary T. Huber
Secretary

Senator Joe Mazurek
Chairman

Motion: DO PASS SB 41 as amended.

The motion carried.

STANDING COMMITTEE REPORT

January 13

87

19.....

MR. PRESIDENT

We, your committee on..... SENATE JUDICIARY.....

having had under consideration..... SENATE BILL..... No. 40

first reading copy (white)
color

Respectfully report as follows: That..... SENATE BILL..... No. 40

be amended as follows:

1. Title, line 7.

Following: "CONDUCT"

Insert: "OR A MINOR VICTIM OF A SEXUAL CRIME OR HIS IMMEDIATE FAMILY"

2. Page 4, line 18.

Following: line 17

Strike: "(9)(b)"

Insert: "(9)(c)"

3. Page 4.

Following: line 21

Insert: "(b) Subject to the limitations in subsection (9)(c), a minor who is a victim of a sexual crime for which a person has been charged and who is not entitled to receive services under Title 41, chapter 3, or the parent, brother, or sister of such a minor is entitled to reimbursement for mental health treatment received as a result of the crime."

4. Page 4, line 22.

Following: line 21

Strike: "(b)"

Insert: "(c)"

Following: "under"

Strike: "subsection"

Insert: "subsections"

Following: "(9)(a)"

Insert: "and (9)(b)"

~~AS AMENDED~~ CONTINUED ON SECOND PAGE
~~DO NOT PASS~~

XXXXXXXXXX
DO NOT PASS

.....
Chairman.

JUDICIARY (SENATE) COMMITTEE

January 13, 1937

SENATE BILL NO. 40, page 2

January 12 1937

5. Page 4, line 23.

Strike: "\$1,000"

Insert: "\$500"

Strike: "\$5,000"

Insert: "\$1,500"

AS AMENDED DO PASS

STANDING COMMITTEE REPORT

January 13

19 57

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration SENATE BILL No. 41

first reading copy (white)
color

Rural public nuisance exists if 3 area residents complain and are affected.

Respectfully report as follows: That SENATE BILL No. 41

be amended as follows:

1. Page 2, line 8.

Following: line 7

Strike: "public nuisance"

Insert: "condition"

2. Page 2, lines 12 through 18.

Following: "condition" on line 12

Strike: the remainder of line 12 through "nuisance" on line 18

AS AMENDED

DO PASS

~~DO NOT PASS~~

Chairman.

STANDING COMMITTEE REPORT

January 13

19 57

MR. PRESIDENT

We, your committee on..... **SENATE BILL JUDICIARY**

having had under consideration..... **SENATE BILL** No. **57**

first reading copy (white)
color

Revising civil process and sheriff procedures in civil actions.

Respectfully report as follows: That..... **SENATE BILL** No. **57**

BE AMENDED AS FOLLOWS:

1. Title, line 6.

Following: "TREASURY;"

Insert: "CLARIFYING THE TIME FOR EXECUTION AND RETURN OF A WRIT OF EXECUTION;"

2. Title, line 13.

Following: "7-4-2512,"

Insert: "25-13-402,"

3. Page 3.

Following: line 16

Insert: "Section 3. Section 25-13-402, MCA, is amended to read:
"25-13-402. How writ executed. The sheriff must execute the writ against the property of the judgment debtor no later than 60 days after receipt of the writ by levying on a sufficient amount of property, if there be sufficient, collecting or selling the things in action, and selling the other property and paying to the plaintiff or his attorney no much of the proceeds as will satisfy the judgment. Any excess in the proceeds over the judgment and accruing costs must be returned to the judgment debtor unless otherwise directed by the judgment or order of the court. When there is more property of the judgment debtor than is sufficient to satisfy the judgment and accruing costs within the view of the sheriff, he must levy only on such part of the property as the judgment debtor may indicate is the property indicated be amply sufficient to satisfy the judgment and costs."

Number: subsequent sections

~~XXXXXX~~
DO NOT PASS

~~XXXXXX~~
DO NOT PASS

.....
Chairman.

January 13, 1987

.....January 13..... 1987.....

page 2 Judiciary Committee

4. Page 13, line 3.

Strike: "10"

Insert: "11"

5. Page 13, line 4.

Strike: "10"

Insert: "11"

**AS MENDED
DO PASS**