

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on January 9, 1989,  
at 9:00 a.m.

#### ROLL CALL

Members Present: All members were present

Members Excused: None.

Members Absent: None.

Staff Present: Julie Emge, Secretary  
John MacMaster, Legislative Council

Announcements/Discussion: None.

#### HEARING ON HOUSE BILL 42

Presentation and Opening Statement by Sponsor: Rep. Stang, House District 52, proposed an amendment to HB 42, which does not restrict this bill to minors that are accompanied by their parents. (EXHIBIT 1) He was asked to propose this bill by a group of people who feel that in many of the smaller communities there are too many minors in the bar. Often times the bar owners allow such minors to enter their bar after school to play the video machines and pool, even though it is against the law. Rep. Stang feels that a bar is just not the place for minors.

#### List of Testifying Proponents and What Group They Represent:

William Wood, Deer Lodge Chief of Police  
Jack Wakefield, Thompson Falls Police Force  
Alec Hansen, League of Cities and Towns  
Wally Jewell, Montana Magistrate Association  
Gaylund Olson, Pastor, Thompson Falls  
Senator Tom Beck, Powell County

#### List of Testifying Opponents and What Group They Represent:

Phil Strobe, Montana Tavern Association  
Rose Lee Bullock, Basin Montana

Testimony:

William Wood stated that there are two specific reasons why this ordinance has been brought about: 1. There has been instances where people were practically raising their children in the bars. 2. Often times establishments would have bands perform, attracting large crowds making it easily accessible for high school kids to enter into the bar. Mr. Wood also commented that the Deer Lodge community, at one time, had this ordinance in effect with the exceptions of pizza parlors, restaurants, lounges and supper clubs and that it was maintained very well.

Jack Wakefield of Thompson Falls stated that he has come in contact with many under age juveniles a numerous amount of times in the bars. The problem lies not with the parents, but with young adults that accompany the youngsters into the bar and proceed to buy alcohol for the minors. The end result is numerous traffic accidents relating from these such incidents (see EXHIBIT 2).

Alec Hansen stated that in 1987 a similar legislation was introduced but that there were some problems with the ordinance. He hopes that the committee will take time to give consideration to Rep. Stang's amendments and give the cities and towns of Montana the authority to control the situation of minors in bars. Mr. Hansen indicated that the real issue is to protect young children and minors and to keep them from being exposed to alcohol at an early age.

Wally Jewell (EXHIBIT 3) stated that he would like to see curbed the learned behavior of minors in bars. He feels that juveniles across the State are "falling under the influence" before they have a chance to learn what's really going on, and by that time it's too late.

Pastor Gaylund Olson stated that the effects of the environment and atmosphere are greater on young people. The bar is not the type of atmosphere where children should be growing up in (EXHIBIT 4). Pastor Olson also presented to the committee a witness statement submitted by Montanans Against Drunk Drivers (M.A.D.D.) shown as EXHIBIT 5.

Senator Tom Beck commented that this bill is meant to try to give the enforcement people in various jurisdictions across the state the authority to go in and take care of the abuse that's being done in the bars. He also

addressed the concern about not being able to take children into pizza parlors and other establishments where alcoholic beverages were served by stating that it is written into the bill that these such places will not be abused.

Jill Polette submitted to the Committee in support of HB 42 a written statement presented as EXHIBIT 6.

Phil Strobe, in opposition to HB 42, was concerned with today's youth and the activities that they participate in. Where will the children go to go skiing since the majority of ski areas serve alcohol? The problem with this bill is that everyone would like to reach at the matter, but at the same time reserve all the privileges that they want for it. If this bill is passed as it is written, then establishments that serve alcohol can prohibit unaccompanied minors from being in their bar. However, if it is a separate restaurant, hotel, or store in the same building, then it is acceptable for the minor to enter with no adult supervision. Mr. Strobe suggests to continue to enforce the current laws that are presently in effect to control this proposal. Mr. Strobe's final argument regarding HB 42 is the selectiveness of the bill and that it does not apply in the unincorporated areas. Mr. Strobe suggested that a subcommittee may be appropriate for this bill.

Rose Bullock, owner of the Silver Saddle Bar located in Basin, Montana stressed to the Committee of the importance that her establishment serves to the small community of Basin. The Silver Saddle Bar is the only establishment within the community that is large enough to house the children that go there after school. The children have no other place to go to when they want to have a soda pop, candy bar, or when they want to play the video games or pool. Mrs. Bullock also stated that when emergency situations arise, the parents feel confident with their children at Mrs. Bullock's establishment rather than leaving them at home unattended.

Questions From Committee Members: Rep. Stickney wanted clarification as to if this bill allowed for the ordinance to be passed by the people of the community and not mandated. Rep. Brown replied to her question by stating that she was correct.

Rep. Addy questioned Sen. Beck as to whom would be penalized if an unaccompanied minor was in an establishment where alcoholic beverages were served. Sen. Beck stated that it was to his assumption that it would be against the

tavern owner for failing to remove the minor from the establishment.

Rep. Eudaily, referring to "where an event is conducted, such as a sporting event or fair", questioned Rep. Stang as to the extent of this statement. If a bar chooses to hold an event, such as wrestling or boxing, would it then be permissible for a minor to attend such an event accompanied by their parents? Rep. Stang replied by stating that he thought the parents would possibly have to apply for a permit from the city on an individual basis for this to be permitted.

Rep. Brown requested from Alec Hansen a list of Montana incorporated cities and towns.

Rep. Brown questioned Rep. Stang if a minor at the age of 18 would be allowed entrance into the establishment as long as no alcoholic beverages were consumed. Rep. Stang was not sure on that particular detail but noted to the committee that it would be clarified.

Closing by Sponsor: Rep. Stang addressed Mr. Strobe's concerns regarding ski areas by stating that they are in unincorporated areas and that they would not be affected by this bill. Secondly, Rep. Stang extended to the Committee that he would be more than willing to work with the subcommittee to bring an acceptable bill the House floor for consideration.

#### DISPOSITION OF HOUSE BILL 42

Motion: None.

Discussion: None.

Amendments and Votes: None.

Recommendation and Vote: No action taken.

#### HEARING ON HOUSE BILL 27

Presentation and Opening Statement by Sponsor: Rep. Dorothy Cody, House District 20, presented to the committee a written testimony shown as EXHIBIT 7.

List of Testifying Proponents and What Group They Represent:

Sen. Eleanor L. Vaughn, Senate District #1  
Mike McGrath, Local County Attorney  
Rep. Paula Darko, House District 2

Peter Funk, Asst. Attorney General, Dept. of Justice  
Jane Van Luchene, Herself and the people of Libby

List of Testifying Opponents and What Group They Represent:

John Ortwein, Montana Catholic Conference  
Mignon Waterman, Montana Association of Churches  
Rep. Vivian Brooke, House District 56

Testimony:

Senator Vaughn presented before the committee a written  
proponent in lieu of HB 27 which stands as EXHIBIT 8.

Mike McGrath, in support of HB 27, stated to the committee  
that the death penalty can only be imposed in the State  
of Montana if the court finds certain aggravating  
circumstances to exist. In this particular case, that  
circumstance is if there is sex offense involved in  
that of a child. He feels that this is an important  
legislation from the publics perspective of when the  
death penalty can and cannot be imposed.

Rep. Paula Darko, House District 2, expressed how this  
particular crime had affected those in her community  
and how outraged her community was when they found out  
that the death penalty could not be imposed for the  
crime that had taken place. Rep. Darko feels that in  
writing the statutes to cover these circumstances that  
it is a horrible enough crime to warrant, but the death  
penalty could not be imposed under any other statute.

Peter Funk voiced a general level of support for the  
amendment of the aggravating circumstances for the  
death penalty. He stated that it is the Dept. of  
Justices position to stand by this amendment as it is  
an appropriate expression on the serious and continuing  
problem of sexual abuse of Montanans children.

Jane Van Luchene, speaking as the mother of a child who was  
murdered by a repeated sex offender, stated how  
important it is to provide protection for the children  
of Montana. She commented that the family is at the  
mercy of the existing laws as they currently stand and  
that nothing can be done to change these laws. She  
feels that the bill that is being presented is at the  
end of the spectrum of what should be done. Taking  
action to prevent criminals from being let out of  
prison must be addressed as these offenders are beyond  
the point of rehabilitation.

John Ortwein, in opposition to House Bill 27 submitted to

the committee a written testimony accompanied by A Statement of the Montana Catholic Conference on Capital Punishment and is shown as EXHIBITS 9 and 10. In addition, Mr. Ortwein presented to the committee testimony from the Montana Association of Churches represented by Mignon Waterman (EXHIBIT 12).

Rep. Vivian Brooke, House District 56 expressed sadness as to the types of crimes that have been committed within our state, especially to those crimes that are committed against innocent children. Rep. Brooke stated that she is concerned with the protection of her children against that of a violent society which is what we would be encouraging if the death penalty bill were passed. She feels that one way Montanans can protect their children from violence is by making statements against killing of any kind. Including the process of killing for killing. She feels capital punishment is not an appropriate action, as it takes a life for a life. As a society or government, approving one more act of killing out of outrage is not the appropriate way to handle this particular type of situation.

Questions From Committee Members: Rep. Addy questioned Mike McGrath in reference to the aggravating circumstances that are mentioned in the statute as to why torture and aggravated kidnapping were not applicable. Mr. McGrath said there was no evidence to support either one of the above mentioned theories.

Closing by Sponsor: Rep. Cody expressed to the committee that statistics show that criminals who know that capital punishment is an option for some of their actions have changed their mind about some of the things that they have done. Also, this is not a mandatory law, but only an option that the county attorneys may chose if they so wish. Rep. Cody feels that society has an obligation to the protection of the children of Montana, and if the death penalty is one way of controlling these brutal crimes from happening, then it is the committees responsibility to pass this bill.

#### DISPOSITION OF HB 27

Discussion: Susan Loehn, County Attorney for the town of Libby, Montana was scheduled to testify before the committee on HB 27 but was unable to attend due to certain circumstances. Rep. Brown stated that the record on HB 27 will remain open for a period of two weeks so as Mrs. Loehn can submit a written

testimony for the committee. Submitted was a letter from Mrs. Loehn to Mike Lavin, Administrator of the Montana Board of Crime Control, stating her support of HB 27 (EXHIBIT 12).

Amendments and Votes: None.

Recommendation and Vote: No action taken. Closing of House Bill 27.

ADJOURNMENT

Adjournment At: 10:30 a.m.

A handwritten signature in cursive script, appearing to read "Dave Brown", is written above a horizontal line.

REP. DAVE BROWN, Chairman

DB/je

0708.min

## DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date JANUARY 9, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		



EXHIBIT 1  
DATE JAN. 9, 1989  
HB 42-STANG

Amendments to House Bill No. 42  
First Reading Copy

Requested by Rep. Stang  
For the Committee on Judiciary

Prepared by Lee Heiman  
January 6, 1989

1. Title, line 5.

Following: "MINORS"

Insert: "NOT ACCOMPANIED BY A PARENT OR GUARDIAN"

2. Page 1, line 15.

Following: "minors"

Insert: "who are not accompanied by a parent or guardian"

EXHIBIT 2  
DATE JAN. 9, 1989  
HB 42-STANG

WITNESS STATEMENT

NAME Jack Wakefield BILL NO. HB 42  
ADDRESS P.O. Box 791 Thompson Falls mt 59873 DATE 1-9-89  
WHOM DO YOU REPRESENT? City of Thompson Falls.  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The City of Thompson Falls is very supportive of enabling legislation for Montana cities & Towns. to determine how to control underage patrons in Bars by Ordinance. as Chief of Police for the City of Thompson Falls. I feel this Bill would be a step forward. in controlling the drug use & deaths of our young people. I feel it would be a step forward for Montana

Jack Wakefield  
Chief of Police  
Thompson Falls mt.

# Montana Magistrates Association

EXHIBIT 3  
DATE JAN. 9, 1989  
HB 42-STANG

9 JANUARY 1989

THE MONTANA MAGISTRATES ASSOCIATION SUPPORTS HB42, AN ACT ALLOWING A TOWN OR CITY TO ENACT AN ORDINANCE TO PROHIBIT MINORS FROM ENTERING LICENSED RETAIL ESTABLISHMENTS THAT SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES; AND PROVIDING THAT THE ORDINANCE MAY ALLOW ENTRANCE TO CERTAIN AREAS OF SUCH ESTABLISHMENTS THAT OPERATE ANOTHER BUSINESS OR CONDUCT AN EVENT.

As one can see from the attached figures from Havre City Court, in the first quarter of the Montana Board of Crime Control grant period (October to December 1987) 24% of all the DUI convictions in Havre City Court were persons 21 years of age and under and their average blood alcohol content was .201%, over twice the legal limit.

The next quarter of the grant period, January to March of 1988, nearly half of all DUI convictions in Havre City Court were of persons 21 and under and their BAC fell only slightly, to .185%.

The following quarter over one-third of all DUI convictions were by persons 21 and under.

This is an example of the activity seen by just one of over 120 limited jurisdiction courts in Montana.

We are not in any way insinuating that illegal activity of this type is caused solely by minors being served illegally in taverns; there is however a possibility that minors could learn such behavior patterns from watching older peers and family members in taverns. Any legislative effort to curb this type of learned behavior would be most appreciated by the judges of limited jurisdiction courts of Montana.

Ex: # 3  
1-9-89

Average Age and Blood Alcohol Levels  
of High-Risk-Youth DUI Offenders  
and the Percentage of DUI's  
Committed by those High-Risk-Youth

	Calendar Year <u>1985</u>	Calendar Year <u>1986</u>	Calendar Year <u>1987</u>	First Quarter MBCC <u>Grant</u>	Second Quarter MBCC <u>Grant</u>	Third Quarter MBCC <u>Grant</u>
Average Age	19.4	20.0	19.1	20.0	18.8	18.3
Average BAC	.145	.168	.170	.201	.185	.149
Per Cent of HRY	18%	18%	23%	24%	40%	36%

Average Age of High-Risk-Youth  
and the Percentage of Misdemeanor Crimes  
Committed by those High-Risk-Youth

	Base Period, <u>6/86-6/87</u>	First Quarter MBCC <u>Grant</u>	Second Quarter MBCC <u>Grant</u>	Third Quarter MBCC <u>Grant</u>
Average Age	19.3	19.4	19.3	19.0
Percentage of HRY	31%	34%	42%	23%

WITNESS STATEMENT

NAME Gaylund G. Olson BILL NO. HB #42  
ADDRESS P.O. Box 426 Thompson Falls, MT 59823  
WHOM DO YOU REPRESENT? myself  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: I support this bill because it gives local government which is closest to the problem to deal with it. Moreover it allows for differences in various communities. I support it because the effects of alcohol and of the bar atmosphere is greater on younger people. It is not a wholesome environment for children and adolescences. Since they cannot purchase alcohol it should have little effect on business. The liability to bar owners if a child should get hurt or drunk would be avoided if they were not present. Also I suspect most patrons would prefer not to have children around as well.

I support this bill because a child (needs) in society today faces many dangers, many choices not least of which is the choice of using & abusing drugs and alcohol. To be introduced and exposed to alcoholism at a young age opens them up to one of the major social diseases of today, one which has tragic & deadly consequences to millions of Americans each year. All that we can do to counter this disease needs to be supported.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# M.A.D.D.

MONTANANS AGAINST DRUNK DRIVING  
Sanders County Group

EXHIBIT 5  
DATE JAN. 9, 1989  
HB 42-STANG

~~Carol Brooker, Chairperson  
P.O. Box 118  
Thompson Falls, MT 59873  
827-4481~~

Pam McLuskie, Sec.-Treas.  
P.O. Box 491  
Thompson Falls, MT 59873  
827-3450

M. Neely  
40 Deer Beaver Co. Rd  
Grand Creek, MT 59874

Dear Sir —

We of this MADD group  
feel that Bill #42 will  
give the town, who know  
their own problems best,  
a better chance to regulate  
them.

We will be glad to  
discuss your points if  
necessary.

Sincerely,

Mary Neely  
Chairman

EXHIBIT 6  
DATE JAN. 9, 1989  
HB 42-STANG

WITNESS STATEMENT

NAME Jill Polette BILL NO. 42  
ADDRESS 1689 Larson Drive Helena  
WHOM DO YOU REPRESENT? Stop DUI. TASK  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS:

I would like to see communities  
take a more unified effort to  
stop the availability of alcohol to  
minors.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Mr. Chairman, for the record, my name is Dorothy Cody, Representative of House District 20, Wolf Point and Poplar.

I am submitting to you today, for your consideration House Bill 27. (Read Title)

I think I would like to begin by giving you a little history of how this Bill came to be. Last summer I was working with a group in my District called the Voices for Children on a Registration of Sexual Offenders law. I called the Legislative Council to start some research and they informed me that Senator Vaughn and Representative Pistoria were working on similar requests. We ended up unifying that effort and because Senator Vaughn was a carry-over Senator, she could request the Council to begin the draft.

During the course of exchanging correspondence, I read the letter from Susan Loehn, Lincoln County Attorney, which you have a copy of, and I was very saddened by the case she referred to and also surprised that the State had nothing in the Statutes to allow for the death penalty in this kind of aggravating circumstance.

After elections, while still working on the Registration Bill Draft, I asked if anyone had requested a draft on the option of the death penalty in a case such as this and no one had, so I felt strong enough about the case, that I did.

I can't think of any circumstance that would speak to me more personally, as the Mother of a large family, than the one we are presenting to you now. I firmly believe that Society not only has the responsibility of doing all that's possible to protect it's children but that we are also morally obligated to do so.

It's very difficult, as caring human beings, to understand how the parents of a child, murdered in such a manner, would feel, we can only imagine. It's even more difficult to know that anyone could or would do such a thing to an innocent child.

If this option of the death penalty in these circumstances, will prevent even one child from such a heinous death, then how can we say that it shouldn't be considered?

I did not introduce this legislation to provide a forum to debate the death penalty because that debate will go on interminably. Nor did I want it to be considered as a part of anything that's happened recently in the State concerning the death penalty. I introduced this Bill strictly because of my strong personal feelings for the future protection of the children of this State and possibly my own grandchildren. I would hope that the Committee will decide on the Bill in this context.

With that, Mr. Chairman, there are others here who would like to testify and I would like to reserve the right to close.



# Montana State Senate



SENATOR ELEANOR L. VAUGHN

SENATE DISTRICT 1

HOME ADDRESS:

P.O. BOX 45  
LIBBY, MONTANA 59923  
PHONE: (406) 293-5431

HELENA ADDRESS:

CAPITOL STATION  
HELENA, MONTANA 59620

COMMITTEES:

LOCAL GOVERNMENT  
STATE ADMINISTRATION  
PUBLIC HEALTH, WELFARE &  
SAFETY

*The Big Sky Country*

January 9, 1989

Mister Chairman and member of the Committee; I am Senator Vaughn, Senate Dist. #1.

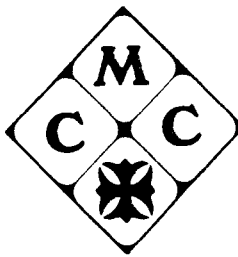
I am a proponent of S. B. #27 because I feel it is absolutely necessary that this provision be added to Sec. 46-18-303.

When a death is inflicted by a person during the course of committing sexual assault, sexual intercourse without consent, deviate sexual conduct or incest and the victim was less than 18 years of age, why shouldn't the provision be there to inflict the death penalty as much as against any of the other crimes already listed?

While I'm not an advocate of capitol punishment being indiscremently used I certainly think anyone who has inflicted a death to another person as per above listed acts should be subject to being sentenced to death.

The anguish of the family of the murdered person is indiscribable and the person inflicting this anguish should be subject to the death penalty if the person responsible for the sentencing sees this as the punishment necessary to fit the crime.

Without this amendment being proposed in H. B. #27 being passed this is not possible. I would strongly urge your passage of H.B. #27.



# Montana Catholic Conference

EXHIBIT 9  
DATE JAN. 9, 1989

January 9, 1989 HB 27-CODY

*JOHN ORTWEIN*

CHAIRMAN BROWN AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE

In 1974, out of a commitment to the value and dignity of human life, the U.S. Catholic Conference, by a substantial majority, voted to declare its opposition to capital punishment.

In 1982, the Montana Catholic Conference issued its own statement on its opposition to capital punishment. I have attached a copy of the Montana Catholic Conference statement to my testimony.

We have consistently testified in opposition to extensions of the death penalty in Montana. The reasons for our opposition to the death penalty are contained in our position paper. In summary, capital punishment is not the sole alternative for the protection of society. Life imprisonment without parole is another alternative. The death penalty is not a proven deterrent and does not allow for rehabilitation.

We have the greatest empathy for the victims of crime and their families, but yet we believe our state can find more appropriate methods than the death penalty to rectify the harm and pain that have been inflicted upon victims and their loved ones.

The Montana Catholic Conference would urge you to vote "no" on House Bill 27.



# circuit Breaker



## A STATEMENT OF THE MONTANA CATHOLIC CONFERENCE ON CAPITAL PUNISHMENT



EXHIBIT 10

DATE JAN. 9, 1989

HB 27-COD

VOL. 4, NO. 1  
JANUARY, 1982

The United States Catholic Conference, out of a commitment to the value and dignity of human life, has declared its opposition to capital punishment. The following paper proposes to examine the issues involved and to provide support for the stand against capital punishment.

The first section of this paper provides a brief history and update of the death penalty. The second section discusses the purposes of criminal punishment, as commonly held, and their relationship to capital punishment. The next three sections deal with the following arguments: (1) Deterrence, (2) Caprice and Mistake, and (3) Cost. The last section deals with the Church and the Christian viewpoint on capital punishment.

### I. THE DEATH PENALTY PAST AND PRESENT



Since time immemorial, societies have utilized the death penalty. The reasons for its use and the manner in which it has been used have changed, but the death penalty itself remains.

In the early colonies the death penalty was inflicted for a wide variety of reasons: stealing, selling guns to the Indians, witchcraft, murder, assault, rape, and kidnapping to mention a few. Hanging was a common method of execution, although history books disclose burnings at the stake and various torture methods of execution as well. Executions at this time were public and attended by vast numbers of people.

Previous to 1930, official records of executions were not kept. Since 1900, however, there have been somewhere near 7,000 executions in the United States. The year 1935 was a record year for executions; there were 199. Since 1930, executions have been carried out for seven different crimes: murder, rape, armed robbery, kidnapping, burglary, espionage and aggravated assault. The last execution, to be witnessed by the public, took place in Missoula, Montana in 1942.

The frequency of executions eventually began to recede and we appeared to be moving away from use of the death penalty. By the late sixties most of Western Europe had abolished capital punishment. Britain abolished its death penalty in 1969. Although the United States did not abolish capital punishment, a moratorium of almost ten years began in 1968.

In 1972, the United States Supreme Court, in a five to four decision (*Furman v Georgia*), ruled that the death penalty, as then imposed, was capricious and discriminatory and therefore unconstitutional. Following this ruling, many states changed their statutes to a mandatory death penalty for certain crimes, hoping to meet the specifications of *Furman*. In 1976 the Supreme Court upheld the death penalty in *Gregg v Georgia*. The Georgia statute provided for a bifurcated approach for conviction and sentencing and also called for mandatory expedited review of all death sentences, as well as consideration of aggravating and mitigating circumstances. The court would later strike down mandatory death sentences in *Woodson v North Carolina*. In 1977, the moratorium in the United States ended with the execution of Gary Gilmore in Utah. Since that time, three other persons have been executed: Jesse Bishop in Nevada, John Spink in Florida, and Stephen Judy in Indiana. Since 1976, capital punishment has grown in popular support. Thirty eight states have enacted or reinstated capital punishment to date. There are presently 848 persons on death row across the nation.

Montana's death penalty statute has been revised and, having been patterned after *Gregg*, the current statute has been upheld. There are three persons on death row in Montana.

### II. THE PURPOSE OF CRIMINAL PUNISHMENT



Punishment is commonly held to have four purposes. They are: (1) protection (of society), (2) retribution, (3) rehabilitation, and (4) deterrence. The first three items will be dealt with in this section. The fourth item, deterrence, will be dealt with separately as it remains the greatest topic of debate in the controversy over capital punishment.

#### A. Protection

With regard to protection of society, there is a definite alternative to capital punishment; that alternative, of course, is incarceration.

montana catholic conference

P. O. BOX 1708 530 N. EWING  
HELENA, MONTANA 59601

"Life" imprisonment, however, rarely means "real" life in terms of years. The subject of parole inevitably arises. The chance of a paroled murderer repeating his crime is actually quite low. "A study of some 1158 released and paroled murderers in eight states (California, Connecticut, Maryland, Massachusetts, Michigan, New York, Ohio and Rhode Island) over the past several decades showed six committed another murder, and nine committed a crime of personal violence or some other felony." That is slightly over one per cent.

For that person who continues to remain a threat to society (Charles Manson is perhaps an example) "real" life with no parole is still an alternative to execution.

#### B. Retribution

Retribution is defined as something administered or executed in recompense, to return in kind. It is defined by some as simply revenge. Part of the reasoning in the retribution theory includes Hegel's notion of establishing an equilibrium of restoring the state of being to what it had been before the crime was committed.<sup>8</sup> This, of course, is impossible because the victim cannot be restored. "We do not, in the name of the State, stab, shoot, throw acid, maim or mug persons convicted of such aggravated assaults. Where, then, is the rational logic for retention of the death penalty for inflicting death?"<sup>9</sup>

#### C. Rehabilitation

The purpose of rehabilitation is obviously forgone in a case of capital punishment.

### III. DETERRENCE



The issue of deterrence is currently the most debated subject on the topic of capital punishment.

#### A. The Criminal and the Crime

We must consider whom we are trying to deter and some of the circumstances involved.

A great majority of homicides occur between persons who know each other. The risk of serious attack from family, friends, spouses and acquaintances is almost twice as great as it is from strangers. A large portion of murders involve alcohol. Murder is often a successful assault, the outcome depending on whether a weapon was present or not, and what type of a weapon it was.

There are different kinds of murders; ordinarily they fall into categories: (1) the premeditated killing, (2) the felon killing, and (3) the impulse killing.

1. *Premeditated murder* — The person who methodically plans the demise of another human being is not deterred by the death penalty because he does not plan to get caught.
2. *Felon murder* — The person who commits murder during the commission of a felony (burglary, rape, kidnapping) does not necessarily plan to kill. The homicide results when things do not go as planned and the criminal becomes desperate. The fear of being "caught" at this point, far outweighs the fear of execution. The possibility of being identified by a witness and consequently apprehended normally is what prompts the homicide.
3. *Impulse killing* — This type of murderer is even less likely to be deterred by the threat of a death penalty. Consumed with the passion of the moment, he gives no thought to the consequences of his actions.

#### B. Neither Swift Nor Sure

"Theories of criminology stress that a necessary condition of deterrence is that there be swift and sure administration of the criminal law."<sup>10</sup>

The death penalty is not "sure." A person convicted of murder has a ninety eight per cent chance of not being executed. "In one five year period the FBI's Uniform Crime Report showed an average of 10,122 murders per year; the National Prisoner Statistics over the same period reported an average of 9 persons per year sentenced to death for murder."<sup>11</sup>

The death penalty is not "swift." "In 1970 the median time between imposition of the death sentence and the execution was 36.7 months."<sup>12</sup> One of the three persons on death row in Montana has been subject to pending execution since 1974.

Due to the very nature of the death penalty and our doubts about it, we have created a complex and lengthy legal procedure to safeguard the defendant. "Only the rare, unlucky defendant is likely to be executed when the process is all over."<sup>13</sup> (There are over fifty men in Montana State Prison for deliberate homicide, only three of them were chosen for death row.)

#### C. The Studies

The studies at present are held to be inconclusive. While revealing some interesting insights, they consist largely of uncontrolled data.

The most widely acclaimed study, done by Thorsten Sellin, compared the homicide rate in states with capital punishment with homicide rates in states without capital punishment. There were no statistical differences. In 1965 Sellin also compared prison murders. Taking eleven states, he found 59 prison murders committed in states with capital punishment and 43 murders committed in states without capital punishment.

An econometric study done by Issac Ehrlich suggested "an additional execution per year . . . may have resulted on the average in seven or eight fewer murders." This study has been rebutted by three prestigious teams of scholars who have since done further studies. "If anything, the thrust of the studies points to a counterdeterrent effect."<sup>14</sup>

A very recent study, published in October of 1980, traced the history of executions in New York between 1907 and 1963 and found that on the average there were two additional homicides in the month after an execution.

In 1969 Britain abolished capital punishment. Since that time, the statistical chances of being murdered remain the same, three in a million.

#### D. Increases Violence

The study, showing the additional homicides following an execution, would indicate that capital punishment actually increases violence.

Additional support for this idea lies in the theory of "capital punishment as a vehicle for suicide." Clinical psychiatrists believe there are cases in which a person chooses the commission of a capital crime as a means of committing suicide. "This kind of murderer is engaged in a 'terminal act', in which the killer does not fear death, he longs for death. What he fears is life, with its miseries and desperate conflicts. To such a one, prison is to be feared above all else, for it promises a continuation of the old miseries. Death by execution fits these psychological needs . . . and the mere existence of the death penalty . . . encourages these pathological gambles with fate."<sup>15</sup>

George Bernard Shaw declared: "Murder and capital punishment are not opposites that cancel one another, but similars that breed their kind."

### IV. CAPRICE AND MISTAKE



Our criminal justice system is a human institution; it is not infallible. This system is the one we use to decide who will

EX #10  
1-9-89

live and who will die. If we make a mistake, capital punishment is irreversible.

The initial decision of whether or not to charge the defendant with a capital crime lies at the discretion of one man, the prosecutor. As the case proceeds, discretion also plays a role in the decisions on conviction, sentencing and clemency.

Human judgement is always susceptible to error. "Though the justice of God may indeed ordain that some should die, the justice of man is altogether and always insufficient for saying who these may be."<sup>10</sup>

## V. THE COST



"A system of capital punishment is considerably more expensive than a criminal justice system without capital punishment, considering the financial expense on our courts and prisons."<sup>11</sup>

Every capital case will require a jury trial (10 times as many jury trials as in non capital cases) and most will require at least two jury trials. The selection of a jury takes longer than in a non capital case. The publicity which often accompanies a capital case may force the trial to be moved to another county which creates an added expense. The trial itself will be longer, more complex and more expensive. Appeals in capital cases go directly to the Supreme Court incurring a still greater expense.

A member of the Montana Attorney General's office gave the figure \$65,000 as the cost for the jury trial and the first mandatory appeal in one Montana case. Usually there are many appeals. The cost becomes exorbitant.

The prison system, as well, suffers in a capital punishment system. "Additional security measures are needed to maintain a 'Death Row' section and the expenses of administering this unit add up to a cost substantially greater than the cost to retain them in prison for the rest of their lives. . . ."<sup>12</sup>

With regard to cost, an additional point has been made with a somewhat different emphasis. "In every crime the first chief criminal is society. Capital punishment is too cheap and easy a way of absolving the guilty conscience of mankind. The criminal makes expiation by going to prison; society makes expiation by paying to keep him there."<sup>13</sup>

## VI. THE CHURCH AND A CALL TO RESPECT LIFE



In 1969 the Vatican voided a forty year old law decreeing the death penalty for anyone attempting to assassinate the pope. No one was ever executed under that law. In 1974, the United States Catholic Conference declared its opposition to the reinstitution of capital punishment.

### A. Respect for Life

Capital punishment aids the erosion of respect for life. The gift of life is God's alone. He is the author and sustainer of life. Bishop Rene Gracida of Pensacola-Tallahassee stated, "A society which vicariously pushes the button, pulls the switch or administers the lethal injection is brutalized thereby to the point of accepting deliberate, premeditated killing as a means of accomplishing an end which is construed as good."<sup>14</sup>

### B. Redemption

The Christian purpose of punishment is reformatory, not vindictive. We are called to remember God's healing love and that human life is never beyond redemption. Christ came to save and not to condemn. St. Paul explains to the

Romans, "Never repay evil with evil, but let everyone see that you are interested only in the highest ideals. Do all you can to live at peace with everyone. Never try to get revenge; leave that, my friends, to God's anger."

### C. An Eye for an Eye — The Old and the New

Ancient Israel authorized the death penalty for a variety of crimes. The shedding of innocent blood was held to pollute the land and purification could be achieved only by the spilling of more blood. With regard to this tradition, Bishop Gracida offers some interesting insight:

Perhaps the more ancient books of sacred scripture show that use of the death penalty was authorized by God only in the sense that these books show that other practices, common in those days but now believed to be immoral by Christians, were authorized by God. In other words, perhaps God merely permitted the use of the death penalty, as he merely permitted the practice of polygamy and merely permitted the practice of slavery, until deepening of faith and a growing sense of human personal dignity, nurtured by faith, would lead to replacement of these practices by alternatives consonant with the natural law and the new law of Christ. The law of Christ does not replace natural law but fulfills and elevates it by assuming it into union with the grace of the Holy Spirit, who teaches and guides Christians from within. <sup>15</sup>

Christ said, "You have learnt how it was said 'Eye for eye and tooth for tooth'; But I say this to you, offer the wicked man no resistance. On the contrary, if anyone hits you on the right cheek offer to him the other as well; if a man takes you to law and would have your tunic, let him have your cloak as well." (Mt. 5:38)

Bishop Gracida continues, "The spirit gives different gifts to Christians of every age, so that they might use the special opportunities of each age to redeem it."<sup>16</sup>

The Indiana Catholic Conference declared: "Throughout the course of history, the precious quality of human life has become more apparent to people of all faiths."

### D. Christians and Civil Law

When we reflect upon the use of the death penalty, we are reminded of an execution which took place some 2000 years ago: "We have our law, and according to the law he must die." (Jn. 19:7) "And so Jesus, who was sinless and guilty of no crime, was adjudged to be guilty and was executed. Perhaps by planning our redemption through such a miscarriage of justice, God has revealed to us that the deliberate act by which society takes a human life in the name of 'law and order' is a heinous perversion of justice. The death of Jesus must serve to illuminate our minds as we examine the relationship between Christians and the civil law, especially law which imposes the death penalty."<sup>17</sup>

## IN CONCLUSION



In summary, capital punishment is not the sole alternative for protection of society. A death penalty does not allow for rehabilitation. Capital punishment is not a proven deterrent. On the contrary, it may actually increase violence. In a capital case, there always exists a possibility for error. A system of capital punishment is lengthy, cumbersome and expensive.

The preceding statements are a response to some important issues regarding the death penalty. Ultimately, however, the Christian must examine this issue in light of the gospel vision. Therefore, out of a commitment to maintain respect for life, to preserve human dignity and to manifest the redemptive message of Christ, the Montana Catholic Conference declares its opposition to capital punishment.

Ex. 10  
1-9-89

\*Hugo Adam Bedeau, *The Courts The Constitution, and Capital Punishment*, 1977  
 \*Marvin E. Wolfgang, "The Death Penalty: Social Philosophy and Social Science Research", *Criminal Law Bulletin*, 1978  
 \*Ibid.  
 \*Anthony Amsterdam, "The Case Against the Death Penalty", *Juris Doctor Magazine*, 1971  
 \*Position paper — New York Catholic Conference, 1977  
 \*Ibid.  
 \*Irvin Isenberg, ed., *The Death Penalty*, 1977  
 \*William Branden, *Chicago Sun Times*, reprint in *Helena Independent Record*  
 \*Bedeau.  
 \*Charles L. Black, Jr., *Capital Punishment: The Inevitability of Caprice and Mistake*, 1974  
 \*Barry Nakell, "The Cost of the Death Penalty", *Criminal Law Bulletin*, 1978  
 \*Ibid.  
 \*Capital Punishment: What the Religious Community Says, Board of Church and Society, United Methodist Church  
 \*Rev. Rene Gracida, "Capital Punishment and Respect for Life", Summer 1980  
 \*Rev. Rene Gracida, "Capital Punishment and Respect for Life", Summer 1980  
 \*Ibid.  
 \*Ibid.

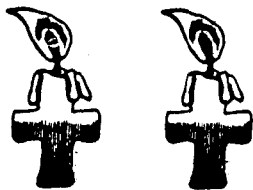
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 Capital Punishment: What the Religious Community Says, Board of Church and Society, United Methodist Church.  
 Other statistics and figures obtained from: NAACP, Deputy Jim Blodgett — Montana State Prison, Mike McCarter — Montana Attorney General's Office.

IF  
 YOU  
 WANT  
 PEACE,  
 WORK  
 FOR  
 JUSTICE  
 PAUL G

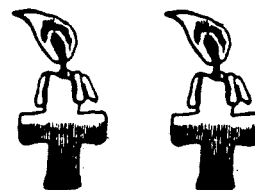


ex 10  
 1-9-89 4



# BEYOND ABOLITION OF THE DEATH PENALTY

By Patty Oplitz



Out of a commitment to the value and dignity of human life, the Montana Catholic Conference has declared its opposition to the death penalty.

We see abolition of the death penalty as the most obvious step to be taken in fostering respect for life within the criminal justice system. We must not, however, see the accomplishment of that task as an end to our labor. Achievement of this goal cannot be the finale. To truly create a posture of respect for life and human dignity within the criminal justice system, we must also turn our attention to some even more difficult, and somewhat less obvious, challenges.

There are two major areas of concern we wish to address. The first challenge is to deal with the person presently on death row, the second challenge is to prevent others from joining him.

## Death Row and Human Dignity

If capital punishment is abolished, the alternative for those persons on death row is life imprisonment. For them, and other chronic, violent offenders serving life sentences, an environment must be provided which is isolated from the rest of society. It is at this point where we, as a society, are faced with a choice. We can simply lock these people away and forget them, or we can attempt to provide an isolated environment for them which is also consistent with a regard for human dignity. At present, our prison system does not provide this kind of environment for the person serving a two year sentence, let alone the person who must be incarcerated for the rest of his natural life.

Our prisons are overcrowded and understaffed. (In Montana, the state prison was designed for 480 inmates. In October of 1981, the prison population was 686. The ratio of social workers to inmates is 100 to 1.) Consequently, the very basic human needs for proper food, health care and sanitation are difficult to provide. Opportunities for recreation and education are limited. Adequate protection from physical abuse is deficient. As one prisoner put it: "A good day is when I get up, have three squares, and don't get wounded or raped."

The cages, the lack of privacy, the boredom, the oppression of the mind and spirit, the loneliness, the mistrust . . . all of these combine to make our prisons a dehumanizing and detrimental experience. Rehabilitation under these circumstances is highly unlikely.

We are a frightened and frustrated people. In August of 1980, there were 650 persons on death row across the nation. As of August 1981, there were 848.<sup>1</sup> In one year, we added 198 persons to death row. The soaring crime rate has created a public outcry for harsher sentences, mandatory sentences, more bars, more barbed wire, and more people on death row. "Of the 1.5 billion spent annually on 'correction' in the United States, 95% goes for custodial costs (iron bars, stone walls, guards), and 5% goes for education, health services and skill training." In our frustration, we continue to react to crime in a fashion which simply does not work. Chief Justice Warren Burger recently stated: "To put people behind walls and bars and do little or nothing to change them is to win a battle but lose a war. It is wrong. It is expensive. It is stupid."

We recommend alternatives to warehousing large numbers of prisoners. "Experts agree that only 20% of present inmates represent a danger to society and must be securely confined."<sup>2</sup> The other 80%, persons convicted of non-violent crimes, should make expiation through fines, restitution and community service. Further, "Fifty per cent of our combined jail and prison population consists of persons convicted of offenses in which the offender is actually the victim, i.e. alcohol, drugs, status offenses, gambling and prostitution."<sup>3</sup> These persons are more successfully dealt with through community based counseling centers and abuse programs.

Reducing our prison population is an economic plus, as well as a way to provide a humane environment for those few persons who must be retained in a maximum security facility indefinitely.

## PREVENTION — ATTACKING THE ROOTS OF CRIMES

The second concern we must address is in the area of crime prevention. As stated earlier, we tend to react rather than act when dealing with crime. We must begin to re-evaluate the society which produces one of the highest crime rates in the world. The roots of crime are poverty, ignorance and indifference. Discrimination, unemployment, family and neighborhood breakdown and lack of moral leadership are all contributing factors. We tolerate white collar crime. We allow false values, materialism and greed to take precedence in our society. The media glorifies violence. In the end, we suffer from loss of respect for human life and a lack of personal responsibility.

We will remain the victims of crime until we become involved. We begin by assessing our own values and attitudes as individuals. Have we simply accepted social injustice or are we concerned and involved? Have we allowed false values to shape our own lives? Do we really care about our brothers?

Crime and the criminal are everyone's problem and everyone's challenge. Christ said, "Come . . . Inherit the kingdom prepared for you from the creation of the world . . . For I was in prison and you came to visit me . . . Then the just will ask Him: 'Lord when did we visit you when you were in prison?' The King will answer them: 'I assure you, as often as you did it for the least of my brothers, you did it for me'". (Mt. 25:34ff)

<sup>1</sup>Statistics obtained from Mont. Dept. of Institutions; Corrections Div.

<sup>2</sup>Statistics obtained from NAACP

<sup>3</sup>Prisons and the Christian Conscience; Washington State Catholic Conference; Apr. 1980

<sup>4</sup>Alternatives to Prisons: Issues and Options; "Institutional Corrections: The State of the Art"; by Lucien Zamorski, pg. 55, School of Social Work, University of Iowa, 1979

<sup>5</sup>Alternatives to Prisons: Issues and Options; "Cost of Imprisonment," by Bob Gross; pg. 38; School of Social Work; University of Iowa; 1979

Ex. #10  
1-9-89



MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 745 • Helena, MT 59624

EXHIBIT 11  
DATE JAN. 9, 1989  
HB 27-CODY

WORKING TOGETHER:

American Baptist Churches  
of the Northwest

Christian Churches  
of Montana  
(Disciples of Christ)

Episcopal Church  
Diocese of Montana

Evangelical Lutheran  
Church in America  
Montana Synod

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

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

Roman Catholic Diocese  
of Great Falls - Billings

Roman Catholic Diocese  
of Helena

United Church  
of Christ  
Mt.-N. Wyo. Cont.

United Methodist Church  
Yellowstone Conference

CHAIRMAN BROWN AND MEMBERS OF THE HOUSE JUDICIARY  
COMMITTEE:

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

We do not wish to ignore violent crime, nor do we condone  
it, but we are opposed to HB27 because we are opposed  
to capital punishment.

As we discuss specific criminal acts such as the ones  
described in Rep. Cody's bill, it may seem appropriate  
to add these crimes to the growing list of crimes for  
which the death penalty may be imposed. However, we  
believe it is important to look at the basic issue  
here - the imposition of the death penalty itself.

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.

As I said before, the Montana Association of Churches  
is opposed to HB27 because we oppose capital punishment.



SUSAN LOEHN  
COUNTY ATTORNEY  
SCOTT B. SPENCER  
DEPUTY

LINCOLN COUNTY ATTORNEY

LIBBY, MONTANA 59923

COURTHOUSE  
512 CALIFORNIA AVENUE  
(406) 293-2717

September 23, 1988

EXHIBIT 12  
DATE JAN. 9, 1989  
HB 27-CODY

Mike Lavin  
Administrator  
Montana Board of Crime Control  
Crime Control Division  
303 N. Roberts, 4th Floor  
Helena, Montana 59604

Dear Mr. Lavin:

I have received notice of the meeting which is going to be held November 16-17, 1988, in Helena regarding the "Information Exchange on Legislative Issues for the Criminal Justice System". I will be unable to attend that meeting, but I did want to share some of my concerns with you regarding the law concerning the death penalty, §46-18-301, et. seq.

My specific concern is with §46-18-303. M.C.A., aggravating circumstances in which the death penalty may be given to an offender. As you may recall, in August of 1987 a young boy, Ryan Van Luchene, who was 8 years old, was killed by Robert Hornback. The boy was sexually assaulted and was brutally murdered. It was very frustrating as a prosecutor not to be able to seek the death penalty in this case. Under the current state of the law aggravating circumstances do not include rape or the killing of a child as an aggravating circumstance. It seems a travesty of justice that a child's life can be taken in such a brutal and sickening way and that the prosecutor's office cannot seek the death penalty. This defendant, Robert Hornback, is a dangerous person, and we did the best we could to try to insure that he would not be released from prison for as long a period as possible.

In a crime such as this, there should be a possible sentence of death. In my opinion, the protection of society demands that a violent pedophile such as Robert Hornback be put to death; not for vengeance, but for the protection of our children. Criminal justice information supports the premise that child molesters repeat their predatory behavior until treatment or prison intervenes. A small number of number of pedophiles kill their victims either as part of the sexual act or as a way to escape detection.<sup>1</sup>

One of the greatest strengths of Montana law is its flexibility and its ability to change in response to changing social conditions. I respectfully ask that your agency look into a Legislative change which would allow the death penalty for the


Mike Lavin  
Page 2

EXHIBIT 12  
DATE 1-9-89  
HB

murder of a child during a sexual assault. There are numerous citizens in Lincoln County, and I am sure in many other counties in Montana, who would support this change in the law. There have been many citizens in my county who were outraged to learn that the death penalty was not an option in the Robert Hornback case.

If there is anything I can do to help, please do not hesitate to call upon me.

Sincerely,

  
Susan Loehn  
County Attorney

SL/cs

cc: Fred R. VanValkenburg  
Senator Eleanor Vaughn  
Representative Mary Lou Peterson  
Representative Paula Darko

<sup>1</sup> Child Molesters: A Behavioral Analysis; National Center for Missing and Exploited Children, Behavioral Science Unit, Federal Bureau of Investigation. April 1987, 2nd Edition.

DATE JAN. 9, 1989  
HB 27-CODY

WITNESS STATEMENT

NAME Jane Van Luchene BILL NO. HB 27

ADDRESS 518 S. Virginia Conrad, MT 59425

WHOM DO YOU REPRESENT? \_\_\_\_\_

SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: We need stronger laws for  
lawyers & judges to work with and  
rule on.

My son Ryan was murdered by  
a repeated sex offender so I have  
been through the system. Our hands  
were tied and emotionally we were  
unable to continue a lengthy process  
to seek the death penalty.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HB 42DATE JANUARY 9, 1989SPONSOR REP. STANG

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Gayland G. Olson		X	
Jill Polette		X	
Jan Olson		X	
VALLEY JEWELL	MT. MAG. ASSOC.	X	
LOIS K MEMEERIN	STOP DUI TASK FORCE, HELEN	X	
TACK WAKEFIELD	THOMPSON FALLS POLICE	X	
Jim Durbin	GIA.		
Bob Dwyer	MTA		X
W. Larson	MTA		X
Randy Duerck	Basil Mv.		X
Angie Burkhead	Basil		X
Phil Stroyer	MTA		X
William W. Wood	McR Lodge Police	X	
Bea Hanson	CITIZEN POLICEMAN	X	
Rep Barry Stang	HD 52	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HB 27DATE JANUARY 9, 1989SPONSOR REP. CODY

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
MARY Eliason, Conead, MT.	HB 27	✓	
<del>Margen</del> Waterman	"		✓
LOIS K McMEEKIN	CHURCH WOMEN UNITED		?
Peter Funk	Dept. of Justice	✓	
Thirion Buasle	HB 56		✓
John Entwine	Mt Catholic Cong		✓
Mike McSpadden	2nd CD. ADG	✓	
Anthony G. Cody	House Dist 20	✓	
Eleanor Hughes	Senate Dist #1	✓	
Jane Van Lierckne	self	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.