

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce D. Crippen, on February 1,  
1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Crippen, Vice Chairman Bishop,  
Senator Beck, Senator Brown, Senator Halligan, Senator  
Harp, Senator Jenkins, Senator Mazurek, Senator  
Pinsoneault, Senator Yellowtail

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Staff Attorney,  
Rosemary Jacoby, Committee Secretary

Announcements/Discussion: There was none.

HEARING ON HOUSE BILL 146

Presentation and Opening Statement by Sponsor:

Representative Strizich of Great Falls, representing District 90, opened the hearing. He explained that HB 146 was brought by the Peace Officer's Standards and Training Advisory Council. The bill amends the statute to specify who can attend the Montana Law Enforcement Academy. The purpose of the bill is to allow people like criminal justice students the ability to attend the Law Enforcement Academy prior to being hired by law enforcement agencies, he said. Current law requires this training occur at the expense of the hiring agency. The bill would allow prospective employees to have completed the basic course before they are hired. He said the "post" council will establish the criteria for these people, then maintain a pool of basic, trained recruits that would be available for employment by the agencies.

List of Testifying Proponents and What Group they Represent:

Clayton Bain, Board of Crime Control  
Sheriff Chuck O'Reilly, Montana Sheriffs and Peace  
Officers Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Clayton Bain, Executive Director of the Peace Officers Standards and Training Advisory Council appeared as a proponent. (See Exhibit 1).

Sheriff Chuck O'Reilly, representing the Montana Sheriffs and Peace Officers Association, stated that he has been in law enforcement for 25 years. He felt that, even though money is a factor, the importance of this bill is that law enforcement will not have to wait one year for the new employee to have an officer trained. He explained his department has a system where they have a two-year reserve program, so that they always have a pool. But, he said, most departments do not have that facility, and that this bill would help them considerably. He said that, even with training, there is concern hoping that the new officer won't run into a situation he won't know how to handle. He feels that it is critical that the liability problem be solved by allowing the individuals who are not in law enforcement be able to enter into the Law Enforcement Academy and be trained before being hired. He asked the committee to support HB 146.

Questions From Committee Members: Senator Halligan asked if present law enforcement personnel would lose their jobs to persons who took this training as civilians. He would not want to see that happen. Representative Strizich replied that there had been many discussion about this and the result was clarification language which was added on the Floor of the House. He pointed out that paragraphs 2 and 3 address those concerns.

Senator Mazurek asked if there was any discussion about the possibility of having a pool of potential candidates who may

not be able to afford to go to school who would be good candidates. Will law enforcement look exclusively to people who have been already trained, he asked. Clayton Bain replied that people falling into that category could be sponsored by a law enforcement agency, a sheriff or police chief, for instance; then, he stated, they could be put on the eligibility list to attend. The Academy would give them a higher eligibility classification to attend than someone who doesn't have that sponsorship, he said.

Senator Mazurek asked if the sponsor would pay for the training. Clayton Bain stated that the county could hire the individual and they pay for the training. That wouldn't be required, he stated. He said many officers like to select their own men and then train them.

Senator Mazurek asked if he would perceive a problem if Sheriff O'Reilly, when needing a new recruit for the officer position, will only consider someone who has already paid his own way and been trained, because it would save his department the expense of having to send someone. Clayton Bain did not see that being a problem.

Sheriff O'Reilly replied that there were many sources of funding for this training. Montana Sheriffs and Peace Officers Association every year gives out scholarships for high school and college students. He said they are waiting to see what happens with this bill before giving these scholarships to the academy. In addition there is vocational rehab funding available, VA money for Veterans, and grants from US West. Also, he said, the department could sponsor the individual.

Senator Crippen asked if the academy would take out-of-state people into the academy. Sheriff O'Reilly said they had, but that the individuals would have to pay the full cost. The way things presently stand, local law enforcement pays their salary and room and board. He didn't know how many the academy could take. While he was there, they took a maximum of 10 people over a two year period, filling vacant slots. For specialized school, the county department pays tuition in addition, he said.

Senator Crippen asked if North Dakota, South Dakota and Wyoming had an academy. Sheriff O'Reilly stated that they did. They are utilized by Montana law enforcement for specialized courses, he said. Wyoming has a beautiful facility, he said, and they take outsiders if they have room.

Clayton Bain stated that several members of the "post" council are professors in the University System. Dawson College has lost about 22 students as well as the state university losing some who went to North Dakota get their training.

Closing by Sponsor: Representative Strizich closed by asking the committee to draw attention to the Statement of Intent.

#### DISPOSITION OF SENATE BILL 146

Discussion: Senator Mazurek said he would not resist the motion but saw some danger in the bill. He felt that local law enforcement might quit paying for people to receive the training.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Halligan MOVED that Senate Bill 146 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. Senator Halligan said he would carry the bill on the Floor of the Senate.

#### HEARING ON SENATE BILL 269

Presentation and Opening Statement by Sponsor: Senator Nathe of Redstone, District 10, opened the hearing. He stated that SB 269 would allow that psychological or psychiatric evaluation may be entered into evidence in a court proceeding, only if signed by a psychologist or psychiatrist licensed by the Board of Psychology or the Board of Medical Examiners. He said there are a lot of capable, qualified people with Masters Degrees acting as counsellors. But, he felt the criteria should be stringent for court proceedings, so the court has confidence in the evaluation.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

Steve Waldron, Montana Council  
Judith Carlson, Montana Social Workers Association

Testimony:

Steve Waldron, representing Montana Council, stated that the court still has the opportunity to weigh the evidence into testimony of experts. When expert witnesses appear the attorneys on one side or the other will question those experts as to their competence or background of education and their expertise. The court is expected to take that into account. He stated that there are a number of problems with this bill in that it would prevent masters of Social Work from caring to testify in cases. He thought this bill was aimed specifically toward child custody cases, although the bill does not say that. The bill also has ramifications as to where it is going to be codified, but was not sure of what the effects would be. It would also prevent licensed professional counselors from doing evaluations. In some parts of the state, he said, there are no licensed psychologists or psychiatrists. If there is a limitation on who can resolve court cases, it could become very expensive for the people involved. Another problem is that there is no definition of "psychological." The Department of Family Services will have problems in child custody cases simply because this law would be in the books, he said. The bill does not state where it would be codified and there are places all over the codes where evaluations are provided for. In the area of mental health law, certified professional person work on court commitment cases. In addition, the bill does not define psychiatrist, he added, nor does the Board of Examiners license psychiatrists to be psychiatrists, but only licenses physicians.

Judith Carlson, representing Montana Social Worker's Association, stated that the potential problem was that social workers at the masters degree level is licensed in the State of Montana now to do court reports, evaluations of various kinds of family problems, situations such as child custody, mental health and individual stability and issue reports to the state. They are allowed to do that under 37-22-102 of the codes in the licensing act. The association wants to make sure this bill doesn't do anything to prohibit their continuing to carry out the other part of the bill. She said there would be less confusion if this bill were not on the books. (See Exhibit 2.)

Questions From Committee Members: Senator Mazurek asked if the bill would not allow anyone except the psychologists or psychiatrists to testify in court procedures. Senator Nathe responded that if evidence is submitted to court, it would have to be signed by a licensed psychologist or psychiatrist. He said the other professionals could continue to do the work, but that the reports would have

to be signed by those named. He said it was done that way in North Dakota.

Senator Mazurek asked if this involved child custody cases. Senator Nathe replied it related to a case where a psychological report was made by a counsellor who was allowed to use the term "psychologist" behind their name. He said that, in a hour and a half, a psychological evaluation was made by two people who were counsellors. And, he said, it is going to follow that young lady for the rest of her life as she lost four little girls because of it. Senator Nathe said the husband and his girl friend knew how to manipulate the system to accomplish their end. Had a certain standard professionalism been maintained within the court system, the results would have been entirely different, he felt.

Senator Mazurek stated that there are many physicians in this state to whom they have to send thiiir claimant clients; and, on the basis of a 5-minute evaluation, they will say the person has no problems, even though his treating physician says he's 100% impaired. He thought it should be left to the judge and jury to make that determination. It is their purpose is to sort those things out, he said. Senator Nathe responded that it was the responsibility of the state to be licensed. When someone can pass themselves off as a professional, the public perceives a certain level of proficiency, he said. This bill would make sure that a psychiatrist or psychologist has to put his name on a document, rather than someone who is not licensed. Senator Pineseault felt that, if the court ordered an evaluation, it would seem less confusing if the wording "court ordered evaluation" were used.

Senator Crippen asked if the "board licensing" referred to state licensing. Senator Nathe said yes. Senator Crippen said that would preclude a person from bringing in an expert from another state. Senator Nathe said that would have to be corrected to include out-of-state experts.

Closing by Sponsor: Senator Nathe Closed.

#### DISPOSITION OF SENATE BILL 269

Discussion: There was none.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Harp MOVED that Senate  
Bill 269 BE TABLED. The MOTION CARRIED UNANIMOUSLY  
HEARING ON SENATE BILL 258

← SB258

Presentation and Opening Statement by Sponsor: Senator  
Pinsoneault of St. Ignatius, District 27, said he was  
carrying the bill as a favor to Senator Hammond. The  
purpose of the bill was to revise provisions of parole and  
revise the board of pardons decisions, etc. He said the  
use of "shall" and "may" had been challenged and ended up in  
the Supreme Court. The board felt it had no alternative but  
to place a person on parole if he had met all statutory  
requirements and felt the law should be clarified in that  
statute.

List of Testifying Proponents and What Group they Represent:

Nick Rotering, Department of Institutions and Montana  
Board of Pardons

List of Testifying Opponents and What Group They Represent:

None

Testimony: Nick Rotering testified before the committee and  
submitted written testimony (See Ex. 3).

Questions From Committee Members: Senator Pinsoneault  
asked, if a man is on parole and commits another crime, he  
is returned to prison. Would that time count for the  
original offense, he asked. Mr. Rotering gave a example of  
a non-dangerous convict sentenced to a 10-year sentence, had  
done 1/4 of his time on good time, went on parole. While  
out on parole, he might commit a new offense and be found  
guilty, said Mr. Rotering, thus receiving an additional 10  
years. Because he had been released before the expiration  
of the first sentence, the board would give him a revocation  
of the parole on the first 10 years, requiring him to serve  
out the remaining 6 years. Any future parole would have to  
be on the second sentence, he said.

Closing by Sponsor: Senator Pinsoneault thanked the  
committee for a favorable consideration and closed the  
hearing.

DISPOSITION OF SENATE BILL 258

Discussion: Senator Mazurek asked about the retroactive date. Senator Crippen felt that portion should be deleted.

Amendments and Votes: Senator Mazurek MOVED to strike Section VI in its entirety and to reflect it in the title on line 13. The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Pineseault MOVED that Senate Bill 258 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION

DISPOSITION OF SENATE BILL 209

Discussion: Senator Brown said he had obtained some additional information on the entry level salaries for nearby states. While Montana's entry level salary for court reporters is \$16,000, Wyoming's is \$30,086, Idaho's is \$27,000, North Dakota is \$23,700, and South Dakota is \$19,406, he stated. He said the average of those is \$25,046 so he thought \$25,000 would be fair.

Senator Beck asked what the average salary is presently for a court reporter. Jerome Anderson, lobbyist for the Court Reporters Association, said \$23,000, and that none were at the \$16,000 level.

Senator Beck asked how much money a court reporter made other than the salary. Mr. Anderson said some additional money is made on transcripts on their own time. Some districts have a lot of transcripts, and some have none. If the volume of work is large, the reporter hires someone else to do the transcripts.

Senator Yellowtail felt the amendment should cut the salaries on both ends. Senator Jenkins felt the raises would impact the counties.

Amendments and Votes:

Senator Brown MOVED to AMEND the bill on page 1, line 14, striking \$25,000 and inserting \$23,000, striking \$35,000, and inserting \$32,000. The MOTION CARRIED on a vote of 6 to



4 with Senators Halligan, Beck, Yellowtail and Jenkins voting NO.

Senator Beck MOVED to further amend the bill with \$23,000 as the bottom figure and \$30,000 for the top figure.

Senator Pinsoneault asked to SEGREGATE the lower figure and proposed lowering the \$25,000 to \$22,000. The committee agreed upon the segregation.

A vote on the portion of the amendment making the \$25,000, \$23,000 PASSED UNANIMOUSLY. The portion of the amendment reducing the \$32,000 upper figure to \$30,000 was voted upon and CARRIED UNANIMOUSLY.

There was a question on the steno fee, and Mr. Anderson said that a \$2.00 fee was charged in each civil case that goes to trial. He felt raising that to \$10 was a fair increase. Senator Mazurek said some cases never use a court reporter, yet would have to pay. Mr. Anderson said that judges were requiring court reporters to record more even in uncontested cases, the reason being that the case might be reopened.

Recommendation and Vote: Senator Brown MOVED that Senate Bill 209 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

#### DISPOSITION OF SENATE BILL 232

Senator Mazurek said that the sponsor of the bill, Senator Keating was doing further research as to whether a bond purchased by a North Dakota notary would provide protection to a Montana resident and vice versa. It was the consensus of the committee to hold action on the bill until a further meeting.

#### DISPOSITION OF SENATE BILL 229

Discussion: Senator Crippen said there was real concern about p. 2, line 20. Senator Mazurek said he had concerns about the \$10,000 bond being too small. Senator Mazurek asked if there was any interest in changing the bill to repeal the section entirely. He thought people could use debt adjustment, instead of putting in regulatory language on what can be charged in a statutory section which prohibits debt adjusting. He also thought the 10% could be raised to 15%.

Amendments: Senator Jenkins MOVED to increase the \$10,000 on line 7, page 2 to \$50,000. The MOTION CARRIED UNANIMOUSLY.

Senator Jenkins MOVED on line 19, after "contact" to delete line 20 and 21. Valencia said the amendment is essentially to delete "or" on line 19, and all the way through 21, then any technical corrections. The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Harp MOVED that Senate Bill 229 DO PASS. The MOTION FAILED on a vote of 3 to 7 with Senators Brown, Harp and Yellowtail voting YES.

Senator Harp MOVED a substitute motion to TABLE THE BILL. There was no vote taken.

Senator Beck MOVED that Senate Bill 229 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

#### DISPOSITION OF SENATE BILL 84

Discussion: The committee discussed the amendments prepared by Senator Vaughn. (See Exhibit 4.) Valencia Lane said the first amendment changed the title. A new section was added requiring internal changes. The first major amendment (#4) requires the district court, rather than the Department of Institutions, to obtain the place of residence an offender had following release from prison, she said. The committee felt there were problems with that. (See Motion A below.) Valencia said that registration laws have been upheld in Utah and California, but probably would be struck down if indecent exposure were included, which was considered to be less serious. We presently have a registration of arsonists, she said.

Valencia explained the amendment (#5) requiring the local law enforcement to forward the new address (if he moves) to the department and to the local law enforcement at the new place of residence.

She explained New Section 9 which restricted places of employment. See Motion below.

Amendment #3 would strike 45-5-504, which would remove indecent exposure from the bill, Valencia told the committee (p.1, line 23). (See Senator Jenkins MOTION B below.)

Amendments and Vote: MOTION A. Senator Mazurek MOVED that the committee DELETE Amendment #4 from the Vaughn set of amendments. The MOTION CARRIED UNANIMOUSLY.

MOTION B. Senator Jenkins MOVED Amendment #3. The MOTION CARRIED UNANIMOUSLY.

Senator Pinsoneault MOVED New Section 9 and the title be corrected. The MOTION CARRIED by a vote of 9 to 3, with Senators Mazurek, Crippen and Yellowtail voting NO.

Senator Crippen MOVED Amendments #9 and #10 (educational requirement). The MOTION CARRIED by a vote of 8 to 2, with Senators Yellowtail and Pinsoneault voting NO.

Valencia said that Nick Rotering had suggested an amendment on p. 1, line 25, that subsection 3 should be inserted following 45-5-503. Senator Crippen MOVED that amendment. The MOTION CARRIED UNANIMOUSLY.

(All amendments except #4, plus the Rotering amendment Passed.)

Recommendation and Vote:

Senator Halligan MOVED that Senate Bill 84 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

#### DISPOSITION OF HOUSE BILL 91

Discussion: Senator Mazurek thought the suggested raise in price for copies of death certificates was too high.

Amendments and Votes: Senator Halligan MOVED to amend allowing a \$5.00 copy fee.

Senator Jenkins MOVED a SUBSTITUTE MOTION allowing a \$5.00 fee for the first copy and a \$3.00 fee for copies thereafter.

Recommendation and Vote: Senator Jenkins MOVED that Senate Bill 91 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL 38

Discussion: There was none.

SB 196

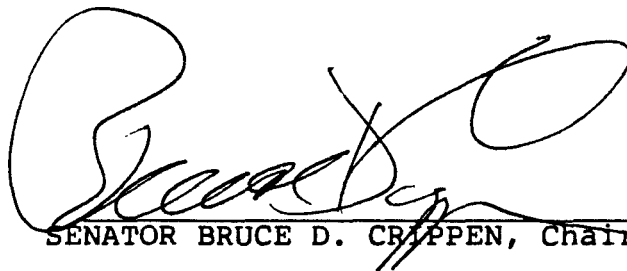
Amendments and Votes: Senator Harp MOVED amending to \$6,000 the first year and \$6,000 the second year. He WITHDREW his motion.

Senator Beck MOVED the 6 and 6 raise and asked that it be spread out over the two-year period, in addition to including district judges and associate justices (p.1, lines 18 and 19, p. 2, lines 22 and 24). The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Brown MOVED that Senate Bill 196 DO PASS AS AMENDED. The MOTION CARRIED by a vote of 8 to 2 with Senators Bishop and Jenkins voting NO.

ADJOURNMENT

Adjournment At: 12:05 p.m.

A large, stylized handwritten signature in black ink, appearing to read "Bruce D. Crappen".

SENATOR BRUCE D. CRAPPEN, Chairman

BC/rj

min20lrj.sr

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date Feb

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NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 1, 1989


MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 146 (third reading copy -- blue), respectfully report that HB 146 be concurred in.

Sponsor: Strizich (Balligan)

BE CONCURRED IN

Signed

  
Bruce P. Clippert, Chairman

*J.C.*  
*2/1/89*  
*3:45 p.m.*

SENATE STANDING COMMITTEE REPORT

February 1, 1979

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 258 (first reading copy - white), respectfully report that SB 258 be amended and as so amended do pass:

1. Title, line 13.  
Following: line 12  
Strike: line 13 through "DATE"
2. Page 4, line 7.  
Strike: section 6 in its entirety

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_  
Bruce E. Clapperton, Chairman

*Handwritten:*  
J.E. 189  
3/1/85  
J.S.

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 209 (first reading copy -- white), respectfully report that SB 209 be amended and as so amended do pass:

1. Page 1, line 14.

Strike: "\$25,000"

Insert: "\$23,000"

Strike: "\$35,000"

Insert: "\$30,000"

AND AS AMENDED DO PASS

Signed Prince D. Clippenger  
Prince D. Clippenger, Chairman

H.A. 189  
211:45  
3: p. 1



SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 229 (first reading copy - white), respectfully report that SB 229 be amended and as so amended do pass:

1. Page 2, line 7.

Strike: "\$10,000"

Insert: "\$50,000"

2. Page 2, line 15.

Following: "\$750."

Insert: "and"

3. Page 2, line 16.

Strike: ";

Insert: "."

4. Page 2, line 17

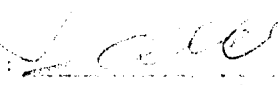
Strike: "(L)"

5. Page 2, lines 19 through 21.

Following: "contract;"

Strike: remainder of line 19 through line 21

AND AS AMENDED DO PASS

Signed: 

Bruce B. Clifton, Chairman

H.C.  
2/2/89  
1:49 p.m.

SENATE STANDING COMMITTEE REPORT

page 1 of 2  
February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 84 (first reading copy -- white), respectfully report that SB 84 be amended and as so amended do pass:

1. Title, line 9.

Following: "PRISON;"

Insert: "RESTRICTING EMPLOYMENT OF PERSONS REQUIRED TO REGISTER;"

2. Page 1, lines 14 and 17.

Page 2, lines 6 and 17.

Page 3, lines 2, 7, 16, 17, 20, 22, and 24.

Page 4, lines 2 and 4.

Strike: "8"

Insert: "9"

3. Page 1, line 23.

Following: "45-5-502"

Insert: "(3)"

Strike: "45-5-504,"

4. Page 3, lines 11 through 14.

Following: "department" on line 11

Strike: remainder of line 11 through "residence" on line 14

Insert: "and the local law enforcement agency having local jurisdiction over the new place of residence"

5. Page 4, lines 5 and 6.

Following: line 4

Strike: line 5 through "felony" on line 6

Insert: "may be sentenced to a term of imprisonment of not less than 90 days or a fine not to exceed \$250, or both"

continued

6. Page 4, line 7.

Following: line 6

Insert: "NEW SECTION. Section 9. Employment restrictions. (1) A person required to register under [sections 1 through 9] may not be employed in or own or operate a child day-care facility or be employed by a school district for the duration of the registration.

(2) A person required to register under [sections 1 through 9] who holds a teacher or specialist certificate shall have that certificate suspended for the duration of the registration."

Renumber subsequent sections

7. Page 7, line 11.

Strike: "8"

Insert: "9"

8. Page 7, line 14.

Following: "the"

Insert: "educational phase of the"

9. Page 7, line 15.

Strike: "treatment"

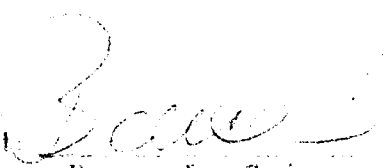
10. Page 7, line 20.

Following: line 19

Insert: "NEW SECTION. Section 12. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber subsequent sections

AND AS AMENDED DO PASS

Signed:   
Bruce E. Clippin, Chairman

h.c.  
2/2/89  
1:49  
pm.

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 91 (third reading copy -- blue), respectfully report that HB 91 be amended and as so amended be concurred in:

Sponsor: Roth (Jenkins)

1. Page 3, line 7.

Following: "for"

Strike: "each"

Insert: "the first"

2. Page 3, line 8.

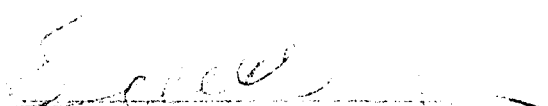
Following: "~~\$5~~"

Insert: "\$5, and"

Following: "~~\$3~~"

Insert: "for each subsequent certified copy"

AND AS AMENDED BE CONCURRED IN

Signed: 

Bruce D. Crippen, Chairman

U.C. 89  
2/2/89  
1:49 P.M.

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 38 (third reading copy -- blue), respectfully report that HB 38 be amended and as so amended be concurred in:

Sponsors: Rodaily (Warwick)

1. Page 2, line 1.

Following: "bankruptcy"

Strike: "proceedings filed"

Insert: "petitions in which discharge takes place on or"

AND AS AMENDED BE CONCURRED IN

Witnessed by \_\_\_\_\_

Bruce E. Clifton, Chairman

J.C.  
3/1/89  
3:45 P.M.

SENATE STANDING COMMITTEE REPORT

February 7, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 196 (first reading copy - white), respectfully report that SB 196 be amended and as so amended do pass:

1. Page 1, line 15.  
Strike: "\$61,722"  
Insert: "\$57,722"

2. Page 1, line 16.  
Strike: "\$64,222"  
Insert: "\$63,722"


3. Page 1, line 18.  
Strike: "\$60,452"  
Insert: "\$56,452"

4. Page 1, line 19.  
Strike: "\$62,952"  
Insert: "\$62,452"

5. Page 2, line 23.  
Strike: "~~\$52,178~~"  
Insert: "\$55,178"

6. Page 2, line 24.  
Strike: "~~\$61,678~~"  
Insert: "\$61,178"

AND AS AMENDED DO PASS

Signed:   
Bruce D. Clippert, Chairman

J.C.  
2/21/89  
2:45 P.M.

**Comments in Support of House Bill 146****Pre-Service Law Enforcement Training at MLEA**

by Clayton Bain, Executive Director  
Peace Officers Standards and Training Advisory Council

Montana's POST Council and the Board of Crime Control have taken the first step toward opening the Academy's Basic training programs to students who are not employees of law enforcement agencies.

At meetings in July, the Council and MBCC approved proposed legislation that would pave the way for launching a pre-service training program.

If the Legislature agrees, non-agency students may be eligible to sign up for the Basics program as soon as the rules for qualification are promulgated and applicants complete the qualifying process.

The proposal to provide pre-service training has been rapidly gaining support in Montana in response to several developments.

Montana's resource pool is being depleted as potential students in the Dawson Community College and Montana State University criminal justice programs enroll in pre-service training programs in North Dakota and other states.

In the North Dakota program, developed in 1987, academic work is provided by several community colleges. The skills portion of the training is provided by the state law enforcement academy.

The North Dakota plan, in which training is paid for by students, is attractive in part because students are POST-certified upon graduation. They are then placed in a manpower pool for employment as peace officers.

Pre-service training proposals are also well received by smaller law enforcement agencies. These agencies suffer from a chronic problem: high recruit turnover.

As a result, these agencies frequently find themselves in a costly revolving door. They hire recruits and send them to the Academy for Basic training, only to lose them before long to better jobs elsewhere.

For these agencies, the prospect of a pool of trained recruits is welcome, particularly now when budgets are tight and resources scarce.

There has also been a change in the approach of people seeking a career in law enforcement. They realize that these days they are more employable if they are trained and POST-certified. More students are willing to pay tuition costs because they know they will have a better opportunity to obtain a job.

The Academy experimented with training a civilian student in Basic 65. An applicant who had passed the POST written and physical ability tests and had no convictions was enrolled. He graduated high in his class and has been accepted by the Highway Patrol.

After a lengthy examination of this experiment, study of other plans and consultation with law enforcement associations such as the MSPOA, the POST Council agreed on the outlines of the pre-service training program.

Here is how the program would work. Entry would be on a dual-track system: submission of an application to a law enforcement agency, or submission of an application to MLEA or POST.

Applicants would be given the POST written and physical ability tests. Fingerprints would be taken and a search conducted for conviction records. Applicants would undergo a medical examination, in compliance with the Academy's requirement.

Applicants who meet the standards for enrolling in Basics-- pass the POST exams, have no convictions and meet the medical standards -- would be placed in a selection pool. Preference would be given first to agency applicants. The remaining applicants would be permitted to enroll on a space available basis. Civilian trainees would pay their tuition.

Upon graduation, civilian trainees would be placed in an employment pool. Agencies would be given the first opportunity to hire those who had applied through their agency.

If they choose not to hire these trainees within a reasonable length of time, they would be available to any agency.

The trainee's name would remain in the pool three years. If trainees are employed by an agency after being removed from the pool, they would be required to complete the Basic Equivalency Test process.



The POST Council adopted the proposal at its July 7 meeting and recommended several amendments to MCA 44-10-202 and 44-10-301 to implement the plan. The MBCC ratified their action July 14.

These amendments will authorize the Attorney General to promulgate administrative rules for establishing qualifications for applicants seeking admission to the Academy.

The amendments will also clearly grant the academy authority to enroll non-service students.

Educational qualifications have not been discussed in this concept, but should be considered when qualification standards are determined.

## WITNESS STATEMENT

NAME JUDITH H CARLSON BUDGET SB 269ADDRESS HELENAWHOM DO YOU REPRESENT? MT CHPTR, NATL ASSN OF SOCIAL WORKERSSUPPORT \_\_\_\_\_ OPPOSE X AMEND ?

COMMENTS: \_\_\_\_\_

LICENSED SOCIAL WORKERS ARE TRAINED TO  
PERFORM & DO PERFORM EVALUATIONS FOR

(1) FAMILY PROBLEMS

(2) MENTAL HEALTH

(3) INDIVIDUAL STABILITY -

WE WANT TO BE SURE THIS BILL WILL NOT  
PROHIBIT OUR DOING THESE REPORTS TO  
COURT.

AMEND TO SAY - NOTHING IN THIS BILL IS CONSIDERED  
TO PROHIBIT OTHER LICENSED PROFESSIONALS FROM  
CARRYING OUT DUTIES WHICH ARE PART OF  
THEIR CAPABILITIES - 37-22-102

OR

PSYCHOLOGICAL OR PSYCHO-SOCIAL EVALUATION  
ADD - SIGNATURE BY L.S.W.

BUT IS THIS NEEDED? AITYS SHOULD ESTABLISH  
CREDENTIALS OF WITNESSES

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

The following is the legal impact regarding SB 258 by Senator Pinsoneault at request of the Board of Pardons.

The legal impact regarding this bill is to generally revise the provisions regarding the granting of parole.

Section 1: Section 1 clearly will indicate that decisions of the Board of Pardons must be by a majority vote of the Board and that the orders of the Board are not reviewable as far as appeals through the administrative procedures act, or appeals to the district courts. This does not mean that due process or equal protection issues cannot be filed with the courts as writs of habeas corpus. This will essentially clarify a growing concern of frivolous suits by rejected inmates through the district courts. The case law will support this change.

Section 2: This section contains the major impact of this legislation. Aside from grammatical changes, the changing of the word "shall" to "may" throughout the act, will offset the liberty interest that the United States Supreme Court found in the existing legislation. The word "shall" was construed by the United States Supreme Court to create a constitutionally protected "liberty interest" which meant that an inmate, if eligible, had an entitlement to release on parole after meeting the statutorily specified minimum time of incarceration. The Court concluded that the present statute did create such an interest and that the liberty interest expectation could only be removed after a constitutionally sufficient notice and hearing by the Board. See the attached Attorney General's position.

Section 3: Section 3 helps clarify the continuing problem of construing sentences that are incurred by parolees. They must be served consecutive to the original sentence that the inmate was paroled upon. However, if he is returned as a parole violator with a new sentence, he still will remain eligible for parole consideration on the first sentence in order not to extinguish a liberty interest that was created in that scenario. It will help clarify a continuing problem that has resulted in a lot of litigation with no real clarity.

Section 4: Section 4 is the extension of the rule making authority of the bill.

Section 5: Section 5 makes the act effective upon passage and approval.

Section 6: Section 6 makes it retroactive within the meaning of Section 1-2-109 to sentences imposed before the effective date of the act. That particular portion of the bill may, in fact, cause some problems.



Amendments to Senate Bill No. 84  
First Reading Copy (WHITE)

Requested by Senator Vaughn  
For the Committee on Judiciary

Prepared by Connie Erickson 1/9/89  
(Revised by Valencia Lane 1/30/89)

1. Title, line 9.

Following: "PRISON;"

Insert: "RESTRICTING EMPLOYMENT OF PERSONS REQUIRED TO REGISTER;"

2. Page 1, lines 14 and 17.

Page 2, lines 6 and 17.

Page 3, lines 2, 7, 16, 17, 22, and 24.

Page 4, lines 2 and 4.

Strike: "8"

Insert: "9"

3. Page 1, line 23.

Strike: "45-5-504,"

4. Page 2, lines 7 through 9.

Following: "sentenced." on line 7

Strike: remainder of line 7 through "sentence." on line 9

Insert: "Upon sentencing, the district court shall obtain the address where the person expects to reside during the term of his sentence, upon release or discharge of his sentence, or during the term of his suspension and shall notify the department."

5. Page 3, lines 11 through 14.

Following: "department" on line 11

Strike: remainder of line 11 through "residence" on line 14

Insert: "and the local law enforcement agency having local jurisdiction over the new place of residence"

6. Page 4, lines 5 and 6.

Following: line 4

Strike: line 5 through "felony" on line 6

Insert: "may be sentenced to a term of imprisonment of not less than 90 days or a fine not to exceed \$250, or both"

7. Page 4, line 7.

Following: line 6

Insert: "NEW SECTION. Section 9. Employment restrictions. (1) A person required to register under [sections 1 through 9] may not be employed in or own or operate a child day-care facility or be employed by a school district for the duration of the registration.

(2) A person required to register under [sections 1 through 9] who holds a teacher or specialist certificate shall have that certificate suspended for the duration of the registration."

8. Page 7, line 11.

Strike: "8"

Insert: "9"

9. Page 7, line 14.

Following: "the"

Insert: "educational phase of the"

10. Page 7, line 15.

Strike: "treatment"

11. Page 7, line 20.

Following: line 19

Insert: "NEW SECTION. Section 12. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

---

Amendment proposed by Nick Rotering  
of the Department of Institutions

A. Page 1, line 23.

Following: "45-5-502"

Insert: "(3)"

*Shute* BILL NO. 14  
*Shute*

1 INTRODUCED BY Shute

2 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE

3 REGISTRATION OF SEXUAL OFFENDERS BY THE DEPARTMENT OF

4 INSTITUTIONS AND LOCAL LAW ENFORCEMENT AGENCIES; PROVIDING

5 THAT REGISTRATION CANNOT BE WAIVED IN IMPOSING SENTENCE;

6 REQUIRING MANDATORY TREATMENT FOR SEXUAL OFFENDERS

7 IMPRISONED IN THE STATE PRISON; AMENDING SECTION 46-18-201, **REQUIRED**

8 MCA; AND PROVIDING AN EFFECTIVE DATE."

9 **TO REGISTER,**

10

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Short title. [Sections 1

14 through 9] may be cited as the "Sexual Offender Registration

15 Act".

16 NEW SECTION. Section 2. Definitions. As used in

17 [sections 1 through 9], the following definitions apply:

18 (1) "Department" means the department of institutions

19 provided for in Title 2, chapter 15, part 23.

20 (2) "Sexual offender" means a person who has been

21 convicted of a sexual offense.

22 (3) "Sexual offense" means:

23 (a) any violation of 45-5-502, 45-5-503, ~~45-5-504~~, *indicated*

24 45-5-505, 45-5-507, or 45-5-625; or

25 (b) any violation of a law of another state or the

1 federal government reasonably equivalent to a violation

2 listed in subsection (3)(a).

3 NEW SECTION. Section 3. Release of sexual offender --

4 duties of court and department. A sexual offender must be

5 informed in writing at the time of sentencing of his duty to

6 register under [sections 1 through 9] by the court in which

7 he is sentenced. ~~the department shall obtain the address~~ **UPON SENTENCING the district court**

8 **shall obtain the address where the person expects**

9 **to reside during the term of his sentence, upon**

10 **release of discharge of his sentence, or**

11 **during the term of his suspension and shall**

12 **notify the department.**

13 NEW SECTION. Section 4. Release of sexual offender

14 from place of confinement -- duties of official in charge.

15 A sexual offender who is released from the custody of the

16 department of institutions or the department of family

17 services must be informed in writing prior to release of his

18 duty to register under [sections 1 through 9] by the

19 official in charge of the place of confinement. The official

20 shall obtain the address where the person expects to reside

21 upon his release and report the address to the department of

22 institutions. The department shall inform the appropriate

23 law enforcement agency having local jurisdiction where the

24 person expects to reside.

25 NEW SECTION. Section 5. Duty to register. A sexual

offender shall, within 14 days of coming into a county in



1 which he resides or is temporarily domiciled, register, as  
 2 required under [sections 1 through 9], with the chief of  
 3 police of the municipality or the sheriff of the county if  
 4 he resides in an area other than a municipality.

5 NEW SECTION. Section 6. Change of address -- duty to  
 6 inform. If a person required to register under [sections 1  
 7 through 9] changes his residence, he shall within 10 days  
 8 give written notification of his new address to the law  
 9 enforcement agency with whom he last registered. The law  
 10 enforcement agency shall, within 3 days after receipt of  
 11 such information, forward it to the department <sup>and the local</sup>  
~~department shall forward the information to the law~~ <sup>enforcement</sup>  
~~enforcement agency having local jurisdiction over the new~~ <sup>place of residence.</sup>  
~~place of residence.~~ <sup>local jurisdiction over the new</sup>  
~~place of residence.~~ <sup>place of residence</sup>

15 NEW SECTION. Section 7. Duration of registration. (1)  
 16 A person required to register under [sections 1 through 9]  
 17 shall comply with [sections 1 through 9] for a period of 10  
 18 years after conviction, if not imprisoned during that  
 19 period. If a person required to register under [sections 1  
 20 through 8] is imprisoned during the initial 10-year period,  
 21 he shall comply with the provisions of [sections 1 through  
 22 9] for a period of 10 years after release from prison.

23 (2) Liability for noncompliance with [sections 1  
 24 through 9] terminates at the expiration of 10 years from the  
 25 date of initial registration, provided that during the

1 10-year period the convicted sexual offender does not again  
 2 become subject to [sections 1 through 8].

3 NEW SECTION. Section 8. Penalty. A sexual offender  
 4 who knowingly fails to register under [sections 1 through 8]  
 5 ~~may be sentenced to a term of imprisonment~~ <sup>may be sentenced to a term of imprisonment</sup>  
~~of not less than 90 days or a fine not to exceed~~ <sup>of not less than 90 days or a fine not to exceed</sup>  
~~\$250.~~ <sup>\$250.</sup>  
 6 NEW SECTION. Section 9. See amount #7 or local  
 7 Section 8. Section 46-18-201, MCA, is amended to read:

8 "46-18-201. Sentences that may be imposed. (1)  
 9 Whenever a person has been found guilty of an offense upon a  
 10 verdict or a plea of guilty, the court may:

- 11 (a) defer imposition of sentence, excepting sentences
- 12 for driving under the influence of alcohol or drugs, for a
- 13 period, except as otherwise provided, not exceeding 1 year
- 14 for any misdemeanor or for a period not exceeding 3 years
- 15 for any felony. The sentencing judge may impose upon the
- 16 defendant any reasonable restrictions or conditions during
- 17 the period of the deferred imposition. Such reasonable
- 18 restrictions or conditions may include:

- 19 (i) jail base release;
- 20 (ii) jail time not exceeding 180 days;
- 21 (iii) conditions for probation;
- 22 (iv) restitution;
- 23 (v) payment of the costs of confinement;
- 24 (vi) payment of a fine as provided in 46-18-231;
- 25 (vii) payment of costs as provided in 46-18-232 and



1 46-18-233;  
2 (viii) payment of costs of court appointed counsel as  
3 provided in 46-8-113;  
4 (ix) community service;  
5 (x) any other reasonable conditions considered  
6 necessary for rehabilitation or for the protection of  
7 society; or  
8 (xi) any combination of the above.  
9 (b) suspend execution of sentence up to the maximum  
10 sentence allowed for each particular offense. The sentencing  
11 judge may impose on the defendant any reasonable  
12 restrictions or conditions during the period of suspended  
13 sentence. Such reasonable restrictions or conditions may  
14 include any of those listed in subsections (1)(a)(i) through  
15 (1)(a)(xi).  
16 (c) impose a fine as provided by law for the offense;  
17 (d) require payment of costs as provided in 46-18-232  
18 or payment of costs of court-appointed counsel as provided  
19 in 46-8-113;  
20 (e) commit the defendant to a correctional  
21 institution, with or without a fine as provided by law for  
22 the offense;  
23 (f) impose any combination of subsections (1)(b)  
24 through (1)(e).  
25 (2) If any financial obligation is imposed as a

1 condition under subsection (1)(a), sentence may be deferred  
2 for a period not exceeding 2 years for any misdemeanor or  
3 for a period not exceeding 6 years for any felony,  
4 regardless of whether any other conditions are imposed.  
5 (3) If any restrictions or conditions imposed under  
6 subsection (1)(a) or (1)(b) are violated, the court shall  
7 consider any elapsed time and either expressly allow part or  
8 all of it as a credit against the sentence or reject all or  
9 part as a credit and state its reasons in the order. Credit,  
10 however, must be allowed for jail time already served.  
11 (4) Except as provided in 46-18-222, the imposition or  
12 execution of the first 2 years of a sentence of imprisonment  
13 imposed under the following sections may not be deferred or  
14 suspended: 45-5-103, 45-5-202(3) relating to aggravated  
15 assault, 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-503(2)  
16 and (3), 45-9-101(2) and (3), 45-9-102(3), and 45-9-103(2).  
17 (5) Except as provided in 46-18-222, the imposition or  
18 execution of the first 10 years of a sentence of  
19 imprisonment imposed under 45-5-102 may not be deferred or  
20 suspended.  
21 (6) Except as provided in 46-18-222, imposition of  
22 sentence in a felony case may not be deferred in the case of  
23 a defendant who has been convicted of a felony on a prior  
24 occasion, whether or not the sentence was imposed,  
25 imposition of the sentence was deferred, or execution of the

1 sentence was suspended.

2 (7) If the victim was less than 16 years old, the  
3 imposition or execution of the first 30 days of a sentence  
4 of imprisonment imposed under 45-5-502(3), 45-5-503,  
5 45-5-504, 45-5-505, or 45-5-507 may not be deferred or  
6 suspended. Section 46-18-222 does not apply to the first 30  
7 days of such imprisonment.

8 (8) In imposing a sentence on a defendant convicted of  
9 a sexual offense as defined in [section 2], the court may  
10 not waive the registration requirement provided in [sections  
11 1 through 9].

12 (9) A person convicted of a sexual offense, as defined  
13 in [section 2], and sentenced to imprisonment in the state  
14 prison shall enroll in the <sup>educational phase of the</sup> ~~prison's~~ sexual offender  
15 ~~treatment~~ program."

16 <sup>11</sup> NEW SECTION. Section 10. Extension of authority. Any  
17 existing authority to make rules on the subject of the  
18 provisions of [this act] is extended to the provisions of  
19 [this act].

*NEW SECTION. Section 12. Severability. see exhibit # 11*

20 <sup>12</sup> NEW SECTION. Section 11. Effective date. [This act]  
21 is effective July 1, 1989.

Amendments to Senate Bill No. 196  
First Reading Copy (WHITE)

For the Committee on Judiciary

Prepared by Valencia Lane  
February 1, 1989

1. Page 1, line 15.  
Strike: "\$61,722"  
Insert: "\$57,722"

2. Page 1, line 16.  
Strike: "\$64,222"  
Insert: "\$63,722"

3. Page 1, line 18.  
Strike: "\$60,452"  
Insert: "\$56,452"

4. Page 1, line 19.  
Strike: "\$62,952"  
Insert: "\$62,452"

5. Page 2, line 23.  
Strike: "\$59,178"  
Insert: "\$55,178"

6. Page 2, line 24.  
Strike: "\$61,678"  
Insert: "\$61,178"

Check SB196  
making sure  
these amend-  
ments are  
used.

SENATE JUDICIARY

EXHIBIT NO. 5

DATE 2-1-89

BILL NO. SB 196

SB 196  
2/11/89

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB196, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

- An Act increasing salaries paid supreme court justices and district court judges; separating salaries of nonpartisan judicial officers from salaries of partisan elected officials; amending Sections 2-16-405, 3-2-104 and 3-5-211, MCA; and providing an effective date.
- ASSUMPTIONS:
1. The salary of the chief justice of the supreme court is \$61,722 for FY90 and \$64,222 for each fiscal year thereafter.
  2. The salary of a justice of the supreme court is \$60,452 for FY90 and \$62,952 for each fiscal year thereafter.
  3. The salary of each district judge is \$59,178 for FY90 and \$61,678 for each fiscal year thereafter.

FISCAL IMPACT:

Expenditures:	Current		FY90 Proposed	FY90 Proposed	Difference
	Law	Law			
Supreme Court Operations	32	32			
FTE					
Personal Services	\$1,022,986	\$1,024,953	\$1,118,149	\$93,196	-0-
Operating Expenses	295,390	278,712	278,712	-0-	-0-
Equipment	15,000	-0-	-0-	-0-	-0-
Capital Outlay	4,600	-0-	-0-	-0-	-0-
Total	\$1,337,976	\$1,303,665	\$1,396,861	\$93,196	-0-
Funding Source: General Fund					
District Court Operations	36	36			
FTE					
Personal Services	\$2,089,492	\$2,094,676	\$2,573,728	\$479,052	-0-
Operating Expenses	113,886	114,928	114,928	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Total	\$2,203,378	\$2,209,604	\$2,688,656	\$479,052	-0-
Funding Source: General Fund					
Difference					
					\$383,256
					\$74,558
					\$383,256

*Ray Shackelford* / 25/89 DATE

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

*Wm Yellowtail* / 26/89 DATE

BILL YELLOWTAIL, PRIMARY SPONSOR

Fiscal Note for SB196, as introduced

SB 196



ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 Senate Bill No. 209 Time \_\_\_\_\_

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK		✓
SEN. BROWN	✓	
SEN. HALLIGAN		✓
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL		✓
SEN. CRIPPEN	✓	
	6	4

Rosemary Jacoby \_\_\_\_\_  
Secretary

Sen. Bruce Crippen \_\_\_\_\_  
Chairman

Motion: Brown amendment p. 1, l. 14  
from \$35,000 to \$32,000. Passed 6 to 4

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 Senate Bill Bill No. 229 Time \_\_\_\_\_

NAME	YES	NO
SEN. BISHOP		✓
SEN. BECK		✓
SEN. BROWN	✓	
SEN. HALLIGAN		✓
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK		✓
SEN. PINSONEAULT		✓
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓
	3	7

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: ① Harp - Do Pass - Failed

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

# 1

Date 2-1-89 Senate Bill No. 84 Time \_\_\_\_\_

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK		✓
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL		✓
SEN. CRIPPEN		✓
	7	3

Rosemary Jacoby \_\_\_\_\_  
Secretary

Sen. Bruce Crippen \_\_\_\_\_  
Chairman

Motion: Daughter Amendments  
Mazurek - Delete #4 UNANIMOUS  
Jenkins - Include Sec. 9 + amend title 7-3 (above)



ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 Senate Bill No. 84 Time #2

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	✓	
SEN. PINSONEAULT		✓
SEN. YELLOWTAIL		✓
SEN. CRIPPEN	✓	
	8	2

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Jenkins - Amend. #9+10 - 8-2 (see above) *Passed*

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 Senate Bill No. 84 Time            # 3

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓
	9	1

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Do Pass as Amended (Harp) Carried

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 House Bill No. 91 Time \_\_\_\_\_

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK		✓
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP		✓
SEN. JENKINS	✓	
SEN. MAZUREK	✓	
SEN. PINSONEAULT		✓
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓
	6.	4

Rosemary Jacoby \_\_\_\_\_  
Secretary

Sen. Bruce Crippen \_\_\_\_\_  
Chairman

Motion: Jenkins - BCDAA - Carried 6-4

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 Senate House Bill No. 196 Time 1

NAME	YES	NO
SEN. BISHOP		✓
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	
	8	2

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Beck - To include district judges and  
assoc. justices (p. 1, line 18+19; p. 2, lines 22+24,  
spreading out over 2 yr. period. UNAN.  
Brown - Do Pass as Amended - Carried 8 to 2.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 Senate Bill No. 196 Time 2

NAME	YES	NO
SEN. BISHOP		✓
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓
	8	2

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Brown - Do Pass  
Halligan - Moved to Amend \$6,000 & \$6,000 Carried  
(substitute motion) 8-2