

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dick Pinsoneault, on February 4, 1991,
at 10:20 a.m.

ROLL CALL

Members Present:

Dick Pinsoneault, Chairman (D)
Bill Yellowtail, Vice Chairman (D)
Robert Brown (R)
Bruce Crippen (R)
Steve Doherty (D)
Lorents Grosfield (R)
Mike Halligan (D)
Joseph Mazurek (D)
David Rye (R)
Paul Svrcek (D)
Thomas Towe (D)

Members Excused: John Harp (R)

Staff Present: Valencia Lane (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion
are paraphrased and condensed.

Announcements/Discussion: Chairman Pinsoneault announced that a
subcommittee comprised of himself, Senators Towe, Grosfield,
and Stimatz, Don Judge, and another employer representative
had been formed to study SB 31 and SB 138.

Joe Roberts, lobbyist, Don't Gamble with the Future,
invited members of the Committee to hear Jeff Bloomberg, Lawrence
County State's Attorney, South Dakota, concerning South Dakota law
enforcement experience with gambling in Deadwood. He advised the
Committee Mr. Bloomberg would be at Jorgenson's for breakfast at 7
a.m. on Wednesday, February 6, 1991.

EXECUTIVE ACTION ON SENATE BILL 196

Motion:

Discussion:

Chairman Pineseault noted there are several proposed amendments.

Valencia Lane advised the Committee the bill's sponsor agreed to two amendments which she said appear to be covered by the amendments (Exhibit #/).

Senator Towe asked about drafting a committee bill. He stated that on January 15, Judge Holmstrom made a ruling on section 624 dealing with offenses of a minor for possession of alcohol. Senator Towe said the Judge ruled that the only penalty is a \$50 fine for a first offense, and that there would be a higher fine and mandatory alcohol/drug education school for a second offense. The Judge ruled that if the minor agreed to the fine and school, he or she could no longer be sentenced to community service.

Senator Towe asked Valencia Lane to draft a bill to state that community service can be an alternative sentence.

Senator Towe made a motion to that effect. The motion carried unanimously.

Amendments, Discussion, and Votes:

Senator Svrcek made a motion that the proposed amendments be approved. The motion carried unanimously.

Senator Grosfield made a motion to add after ";" on page 2, line 7, "the rate must adequately consider the reasonable costs of the holding jurisdiction".

Senator Mazurek asked if the motion should include the maximum of the state rate. He advised the Committee \$38 per day is the generally approved rate.

Senator Towe asked Senator Grosfield to change his motion to state, "the rate must cover the reasonable costs of the holding jurisdiction".

Senator Grosfield restated his motion to language suggested by Senator Towe. The motion carried unanimously.

Recommendation and Vote:

Senator Svrcek made a motion that SB 196 DO PASS AS AMENDED. The motion carried unanimously.

HEARING ON SENATE BILL 201**Presentation and Opening Statement by Sponsor:**

Senator Bob Brown, District 2, told the Committee SB 201 is a simple bill providing that the county attorney is the legal advisor for fire service areas. He said Whitefish used to have a fire service district, based on the value of homes and went to a fire service area in 1989 on a fee basis.

Senator Brown reported that the County Board told the county attorney he could not offer legal advised since the fire service district had become a fire service area.

Proponents' Testimony:

Lyle Nagel, Montana State Volunteer Firefighters Association, said fire service areas were not included in the original legislation because there were no areas at that time. He stated his support of SB 201.

Opponents' Testimony:

Gordon Morris, Montana Association of Counties, stated he had no position on the bill, but would be available for questions.

Questions From Committee Members:

Senator Halligan asked why the county attorneys were not present, and said he was concerned with county attorneys giving free legal advice. Gordon Morris replied that the bill looks at expanding county attorney duties from the perspective of county commissioners. He said commissioners need to be prepared to hire addition help for county attorneys as they assume more duties.

Closing by Sponsor:

Senator Brown said SB 201 adds no new responsibilities; that the same people and the same area are being served.

EXECUTIVE ACTION ON SENATE BILL 201

Motion:

Senator Mazurek made a motion that SB 201 DO PASS.

Discussion:

There was no discussion on the motion.

Amendments, Discussion, and Votes:

There were no amendments.

Recommendation and Vote:

The motion made by Senator Mazurek carried unanimously.

HEARING ON HOUSE BILL 94

Presentation and Opening Statement by Sponsor:

Representative Jan Brown, District 46, advised the Committee that she was presenting HB 94 at the request of the Code Commissioner, and as a member of the Legislative Council.

Proponents' Testimony:

Greg Petesch, Director of Legal Services, Legislative Council, explained there are two portions of the bill which he said are based on Colorado statute. He reported that page 3, lines 7-14, state the Montana Codes Annotated (MCA) is the official version of the statutes of the state of Montana, and is the only version to be used in evidence in Montana courts.

Mr. Petesch advised the Committee that cheaper versions of codes used by attorneys in other states cause problems, as they do not always contain all of the statute or accurate language. He stated that existing language in the bill would control any error in the MCA and will not be changed by the bill. Mr. Petesch told the Committee the bill is not intended to interfere with the courts in adopting rules of evidence.

Mr. Petesch stated the second portion of the bill provides copyright protection for the MCA. He said the original copyright was held by a private publisher and had to be purchased from that individual as the Revised Codes of Montana. According to Mr. Petesch, the Code was then copyrighted as the MCA. He said HB 94 codifies this, and clarifies that permission is needed to copy and distribute the Code.

Mr. Petesch commented that page 3, line 22 defines the provisions of transfer of ownership of copyrighted material. He said the State Bar of Montana has entered into agreement with the Code Commissioner, and that all the Council is requesting is that copyrighted material be acknowledged in reprinted material or the Council will charge for the cost of reprinted material.

Mr. Petesch said the data base has been sold to Mead Data Systems, and is on the Lexis System which also shows the copyright. He advised the Committee the Council has made the MCA very available, including compact disc format. Mr. Petesch stated the bill does not interfere with the use of the MCA, and that the bill does not address photocopying or quoting from. He explained the Code Commissioner is trying to address people who publish and sell the MCA, as well as ensuring accuracy and recovering costs, if any.

Opponents' Testimony:

Judith Meadows, State Law Librarian, said she was concerned with the results that would be seen if HB 94 passes. She stated the citizens of Montana should be able to reprint and distribute any section of the Code without having to apply to the Code Commissioner and saying who will use them and how they will be used.

Ms. Meadows said she believes emphasis should be shifted from a provider of information to equal access of information, that HB 94 violates various sections of the Montana Constitution, i.e., freedom of publication, the right to know, and the right to privacy.

Ms. Meadows reported that she had just returned from a national library conference in Virginia where it was reported that similar legislation in New York and George was struck down. She explained that Colorado is the only state with similar provisions to those proposed in the bill, and that Colorado will be challenged in court.

Shauna Thomas, State Reporter, read from prepared testimony in opposition to the bill. She advised the Committee she publishes Montana Supreme Court decisions in the State Reporter, and said the bill would restrict access to the law.

Ms. Thomas stated the Code Commissioner would charge her \$17,000 annually, because she is a business, for the same information that can be purchased by an individual on a compact disc for \$50. She reported the federal courts say the code cannot be copyrighted as it is state domain. She asked the Committee to amend electronic access and distribution, if they must pass the bill.

Chuck Walk, Executive Director, Montana News Association, stated HB 94 is unnecessary legislation and is not in the best interest of Montanans. He stated he considers the MCA to be public

domain, and that the Code Commissioner's task is to make it available to the citizens of the state in a reasonable and convenient form, rather than "throw roadblocks".

Rick Foote, Editor, Montana Standard, Butte, read from a prepared statement in opposition to HB 94. He said Butte/Silverbow rely on the clerk of court and the county law library who, for a nominal fee, will provide information on the code. Mr. Foote stated the bill would restrict access to the Code and is against the right to access to a public writing.

Mike Voeller, Lee Enterprises, read from a short prepared statement in opposition to the bill.

Questions From Committee Members:

Senator Grosfield asked Greg Petesch about the statement on page 4 under subsection 3, regarding "determining whether distribution is not detrimental to the interests of the people of the state". Mr. Petesch replied he had concerns with that language himself. He replied the Code Commissioner has never yet turned down an application.

Senator Grosfield asked why the Council then cares about this process. Mr. Petesch replied the Council wanted to determine if, in fact, an applicant was a publisher and distributor of the Code.

Senator Grosfield asked what difference that would make. Greg Petesch replied that permission is required of the copyright holder.

Senator Towe asked if 17-USC-101 is more limited in the use of the word "public". Greg Petesch replied it is significantly more, and requires a transfer of ownership through a sale. He added that "it follows copyright law anyway and, if not, then the law needs to be repealed".

Senator Towe asked why the Code Commissioner wanted to expand when it only had trouble with the Revised Codes Annotated before. Greg Petesch replied duties are not expanded, and that "as for the Alan Smith copyright, numbering catch lines, histories, and strings of text are not copyrighted. He added that session laws are also not copyrighted.

Senator Towe asked, "What if someone were given legislative permission to copy anything but the full code". Greg Petesch replied they could leave out one title and publish it anyway.

Senator Mazurek asked what is done with Westlaw. Greg Petesch replied there is no contract at this time. He reported that the MCA is not available on Westlaw.

Senator Mazurek asked how the Code Commissioner would deal with Shauna Thomas if the computer data base is available. Mr.

Petesch replied he was unwilling to offer any terms that were better than those offered to an existing vendor. He added that any terms would be approved by the Council, and that if a contract were offered and approved by the Council, he would solicit bids.

Mr. Petesch reported that \$17,000 is a two-year price, and said he would be reluctant to charge her less than Mead without the approval of the Council. He stated the price to Mead is determined by the cost of employee time and materials, plus a 20 percent mark-up.

Senator Mazurek asked how the Code Commissioner would charge a law firm to do a handbook to educate employers. Greg Petesch asked if the firm would sell the handbook. Senator Mazurek replied it was unlikely. Greg Petesch asked if the law firm would require any other material than the compact disc. He stated that if the copyright is acknowledged, then nothing else is needed.

Greg Petesch advised the Committee that if Shauna Thomas is selling the Code for a profit without the Code Commissioners permission, that is different from the example of education provided by Senator Mazurek.

Chairman Pinsoneault commented that "maybe the bill is hunting mice with an elephant gun".

Senator Towe asked if the handbook were prepared for sale, if that meant permission would be needed to quote Montana coal tax law. Greg Petesch replied that quoting is fair use and permission is not required. He stated the handbook would need to say, "Section 15-1-135, MCA, reads as follows....", and then be quoted.

Senator Towe asked where fair use would stop for Shauna Thomas. Greg Petesch replied electronic reproduction for sale is not fair use in his opinion.

Senator Svrcek asked why the material sold by Shauna Thomas is not educational as well, if it is prepared for clients for seminars. Greg Petesch replied that Ms. Thomas wants to make the entire code available, and to publish it through an electronic format.

Senator Crippen asked if the newspapers could not buy a set of the MCA, and if the Council tries to sell the MCA. Greg Petesch replied a set of the Code was sold to the Associated Press.

Closing by Sponsor:

Representative Brown told the Committee she was glad for their questions.

EXECUTIVE ACTION ON SENATE BILL 51Motion:Discussion:

Chairman Pinsoneault reminded the Committee they still need to address spousal immunity.

Amendments, Discussion, and Votes:

Senator Towe stated the amendment is a compromise (Exhibit # 2). He went through the amendment with the Committee, and said that if the defense is an alibi, the spouse would be protected. He stated that if the spouse were in the car and saw the other spouse pull a gun and rob someone, then that spouse would be required to testify.

Senator VanValkenburg told the Committee he hoped they would not adopt the amendment proposed by Senator Towe. He stated that, while it is somewhat better than the law is now as far as criminal defense is concerned, it is not consistent with other states and may undermine good public policy. Senator VanValkenburg said the policy of preserving the marriage should not protect an individual who is taking lives or causing severe damage to the property of others.

Senator VanValkenburg advised the Committee the six-year study commission was rightfully concerned with protecting spousal communication. He provided an example whereby a spouse is cleaning the home and finds a murder weapon and turns it in to the police. Senator VanValkenburg explained that murder weapon would not be admissible, as the spouse could not testify under Senator Towe's proposed amendment.

Chairman Pinsoneault stated he believes Senator Towe's proposed amendment is a hollow effort.

Senator Crippen said he supported the amendment, and that it did not go far enough. He added that public policy may not be good rationale.

Senator Towe asked John Connor, Department of Justice, if he objected to the amendment. Mr. Connor replied that he feels as Senator VanValkenburg does, and that the bill, as drafted, is the best alternative. He reported that one member of the study commission did not agree, but the language in the bill is consistent with the majority of states. Mr. Connor stated the vote was close and may include both prosecutors and defense attorneys.

Senator Towe asked how many states make up that majority. John Connor replied that more states follow the language in the bill than don't.

Senator Towe made a motion that his proposed amendments be approved. He said he believes a majority of 17 states is not enough and that marriage ought to be protected and preserved. He stated that the problem with Senator VanValkenburg's example, is who the pistol came from. He added that he is "getting at minor offenses wherein the spouse may be called".

The motion made by Senator Towe failed in a roll call vote, 5 to 6 (attached). Representative Harp was excused and did not leave a vote.

Recommendation and Vote:

Senator Mazurek made a motion that SB 51 DO PASS AS AMENDED. the motion carried with all members voting aye, except Senator Crippen who voted no.

EXECUTIVE ACTION ON HOUSE BILL 114

Motion:

Discussion:

Valencia Lane provided copies of proposed amendments and explained that page 2, lines 14-16 delete "any judge" and insert "a district court judge" (Exhibit #3).

Senator Towe stated that language in the amendment, "which sent.....by court" should be deleted. He said the intent really was that any district court wanting to be notified should be notified.

Senator Mazurek asked if language should say "a judge or a court".

Amendments, Discussion, and Votes:

Senator Towe made a motion that the amendment be changed to read "a court", and that lines 17-20, subsection 3, on page 2 be deleted. The motion carried unanimously.

Recommendation and Vote:

Senator Towe made a motion that HB 114 DO PASS AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 69Motion:Discussion:

Valencia Lane explained that the amendments propose inserting "must be established by ordinance", on page 3, line 25, following Clerk of Court.

Senator Yellowtail suggested that following "The" on page 3, line 22, "position of" be inserted, and that following "court" "judge shall appoint a" be stricken.

Amendments, Discussion, and Votes:

Senator Towe made a motion that the amendments, as discussed, be approved. The motion carried unanimously.

Recommendation and Vote:

Senator Towe made a motion that HB 69 BE CONCURRED IN AS AMENDED. The motion carried 8-4 in a roll call vote (attached). Senator Towe will carry the bill.

EXECUTIVE ACTION ON SENATE BILL 58Motion:

Senator Yellowtail made a motion that the amendments be approved (Exhibit #4).

Discussion:

Senator Yellowtail explained that a compromise was arrived at to remove subsection 5 on page 2, and that the final costs will be borne by the arresting agency, except for cities and towns.

Senator Yellowtail stated that all material on page 3, subsection 3 remains so that costs for a fugitive from justice from another state are borne by the state or origin.

Senator Towe asked who pays if a crime is committed in Billings and the criminal goes to Columbus where he or she is arrested. Senator Yellowtail replied that if the criminal is arrested under state law, the county pays.

Valencia Lane explained that existing language addresses medical costs on page 2, line 8, beginning with "except", and that

a similar provision on page 3, line 11 addresses confinement costs. She stated counties pay the cost if the arrest is not made in a city for a city ordinance, and that she did not believe there would be a change to existing law as amended. Ms. Lane stated the problem is current law only addresses post-confinement costs and not pre-confinement costs, and more specifically medical costs. She said the purpose of the bill is to clarify existing law and not to make any changes to that law.

Amendments, Discussion, and Votes:

The motion made by Senator Yellowtail to amend SB 58 carried unanimously.

Recommendation and Vote:

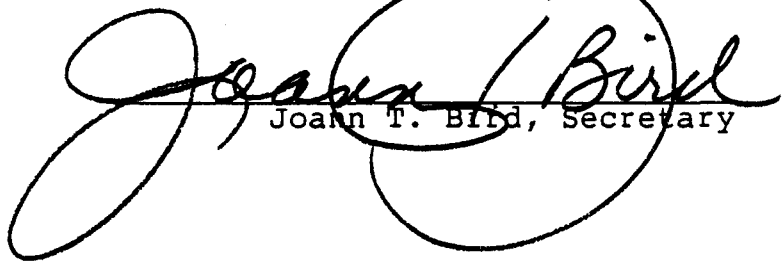
Senator Yellowtail made a motion that SB 58 DO PASS AS AMENDED. The motion carried unanimously.

ADJOURNMENT

Adjournment At: 11:55 a.m.



Senator Dick Pihseault, Chairman



Joann T. Bird, Secretary

DP/jtb

ROLL CALL

SENATE JUDICIARY COMMITTEE

52nd LEGISLATIVE SESSION -- 1999

Date 4 Feb 91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinoneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 196 (first reading copy -- white), respectfully report that Senate Bill No. 196 be amended and as so amended do pass:

1. Page 2, line 2.

Following: "them."

Insert: "In the event the jurisdiction holding the inmate is at maximum capacity, the inmate may be placed in an available detention center in another jurisdiction."

2. Page 2, line 7.

Following: "person."

Insert: "The rate must cover the reasonable costs of the holding jurisdiction. Expenses for medication, medical services, or hospitalization for persons confined in a detention center under this section must be borne by the department."

Signed: Richard Pinsoneault
Richard Pinsoneault, Chairman

MA 2-4-91
Amd. Coord.

SE 2-5-91 9:15
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 201 (first reading copy -- white), respectfully report that Senate Bill No. 201 do pass.

Signed: Richard Pinsonneault
Richard Pinsonneault, Chairman

KJA 2-4-91
Asst. Coord.

SB 2-5-91 4 15
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 51 (first reading copy -- white), respectfully report that Senate Bill No. 51 be amended and as so amended do pass:

1. Title, line 14.

Strike: "46-5-305,"

2. Page 14, line 9.

Strike: "is ordered as provided in this part."

Insert: "or investigation is initiated at the request of the state medical examiner or attorney general. The county shall pay any expenses incurred whenever an autopsy or investigation is initiated at the request of the county attorney or county coroner."

3. Page 47, line 18 through page 48, line 5.

Strike: section 63 in its entirety

Re-number: subsequent sections

4. Page 148, line 15.

Strike: "A"

Insert: "Either the director or a"

5. Page 148, line 18.

Following: "that"

Insert: ":

6. Page 148, line 19.

Following: "~~a~~"

Insert: "(a)"

7. Page 148, lines 19 and 20.

Following: "a"

Strike: "has been cured of the"

Insert: "no longer suffers from a"

Following: "7"

Insert: ";

8. Page 148, line 21.

Following: line 20

Insert: "(b) the defendant's mental disease or defect no longer renders him unable to appreciate the criminality of his conduct or to conform his conduct to the requirements of law; or

(c) the defendant suffers from a mental disease or defect that makes him a danger to himself or others, but either there is no treatment available for his mental disease or defect or he refuses to cooperate with treatment"

9. Page 149, line 4.

Following: "(4)"

Insert: "(4)"

10. Page 156, lines 9 and 10.

Following: "~~not~~"

Insert: "not"

Following: "evidence"

Strike: "only for purposes of impeachment"

11. Page 200, line 13.

Following: "~~conviction~~"

Insert: "within 5 years of the date of the conviction"

12. Page 222, lines 15 through 18 and lines 21 through 23.

Strike: "72," through "224"

Insert: "71, 72, 75, 76, 85, 96, 97, 104, 106, 107, 111, 124 through 129, 134, 135, 142, 153, 170, 175 through 177, 181, 199, 200, 204, 212, and 221 through 223"

Signed: Richard Pinsonneault
Richard Pinsonneault, Chairman

B 3/4/91
Amd. Coord.

SE 2-5-91 15
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 114 (third reading copy -- blue), respectfully report that House Bill No. 114 be amended and as so amended be concurred in:

1. Page 2, lines 14 through 16.

Following: "(E)" on line 14

Strike: remainder of line 14 through "OFFENSE" on line 16

Insert: "a court that has requested that it be notified in the event of a release or escape of the person"

2. Page 2, lines 17 through 20.

Strike: subsection (3) in its entirety

Signed: Richard Pinsoneault

Richard Pinsoneault, Chairman

PLB 2/4/91
Amd. Coord.

SP 2-6-91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 69 (third reading copy -- blue), respectfully report that House Bill No. 69 be amended and as so amended be concurred in:

1. Page 3, line 22.

Following: "The"

Insert: "position of"

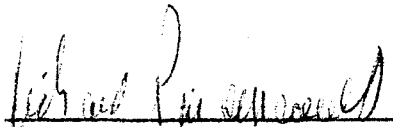
Following: "court"

Strike: "judge shall appoint a"


2. Page 3, line 24.

Following: "court"

Insert: "must be established by ordinance"

Signed: 
Richard Pinsonneault, Chairman

 2/4/91
Amd. Coord.

 2-4-91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 58 (first reading copy -- white), respectfully report that Senate Bill No. 58 be amended and as so amended do pass:

1. Title, lines 6 through 8.

Following: "AN ACT" on line 6

Strike: remainder of line 6 through "CONFINED" on line 8

Insert: "REVISING THE LAW RELATING TO PAYMENT OF MEDICAL AND CONFINEMENT COSTS OF INCARCERATED PERSONS; CLARIFYING THAT MEDICAL AND CONFINEMENT COSTS OF INCARCERATED PERSONS MUST BE BORNE BY THE ARRESTING AGENCY, WITH AN EXCEPTION FOR CITIES AND TOWNS"

2. Title, lines 10 and 11.

Following: "BEHALF;" on line 10

Strike: remainder of line 10 through "PERSONS;" on line 11

3. Page 2, lines 5 and 6.

Following: "the" on line 5

Insert: "arresting"

Following: "agency"

Strike: "or authority at whose instance the inmate was arrested"

4. Page 2, line 7.

Strike: "or authority"

5. Page 2, lines 17 through 21.

Strike: subsection (5) in its entirety

6. Page 3, line 6.

Following: "an"

Insert: "arresting"

Following: "agency"

Strike: "or authority"

7. Page 3, line 10.

Following: "~~center~~"

Insert: ", as agreed upon by the arresting agency and the detention center,"

Following: "by the"

Insert: "arresting"

8. Page 3, lines 10 and 11.

Following: "agency" on line 10

Strike: remainder of line 10 through "confined" on line 11

9. Page 3, line 21.
Following: "unit"
Insert: "arresting"

10. Page 3, lines 21 and 22.
Following: "agency" on line 21
Strike: remainder of line 21 through "confined" on line 22

Signed: Richard Pinsonneault
Richard Pinsonneault, Chairman

B 2/4/91
Amd. Coord.

EB 2.5.91 9.15
Sec. of Senate

Ex #1
SB196
2-4-91

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

For the Committee on Judiciary

Prepared by Valencia Lane
February 4, 1991

1. Page 2, line 2.

Following: "them."

Insert: "In the event the jurisdiction holding the inmate is at maximum capacity, the inmate may be placed in an available detention center in another jurisdiction."

2. Page 2, line 7.

Following: "person."

Insert: "The rate must cover the reasonable costs of the holding jurisdiction. Expenses for medication, medical services, or hospitalization for persons confined in a detention center under this section must be borne by the department."

Exhibit #1a
4 Feb 91
SB 196

Amendments to Senate Bill No. 196
As Introduced

Requested by Montana Sheriffs and Peace Officers Association

1. Page 2, line 2.

Insert: "In the event the jurisdiction holding the inmate is at maximum capacity, the inmate may be placed in an available detention center in another jurisdiction."

2. Page 2, line 7.

Insert: "Expenses for medication, medical services, or hospitalization for persons confined in a detention center under this section shall be borne by the department."

EX 2
2-4-91
SB 51

Amendments to Senate Bill No. 51
First Reading Copy (White)

For the Committee on Judiciary

Prepared by Valencia Lane
February 2, 1991

1. Title, line 14.
Strike: "46-5-305,"

2. Page 14, line 9.
Strike: "is ordered as provided in this part."
Insert: "or investigation is initiated at the request of the state medical examiner or attorney general. The county shall pay any expenses incurred whenever an autopsy or investigation is initiated at the request of the county attorney or county coroner."

3. Page 47, line 18 through page 48, line 5.
Strike: section 63 in its entirety
Renumber: subsequent sections

4. Page 148, line 15.
Strike: "A"
Insert: "Either the director or a"

5. Page 148, line 18.
Following: "that+"
Insert: ":"

6. Page 148, line 19.
Following: "{a}"
Insert: "(a)"

7. Page 148, lines 19 and 20.
Following: "a"
Strike: "has been cured of the"
Insert: "no longer suffers from a"
Following: "+"
Insert: ";"

8. Page 148, line 21.
Following: line 20
Insert: "(b) the defendant's mental disease or defect no longer renders him unable to appreciate the criminality of his

Ex. 2
2-4-91
SB 51

conduct or to conform his conduct to the requirements of law; or

(c) the defendant suffers from a mental disease or defect that makes him a danger to himself or others, but either there is no treatment available for his mental disease or defect or he refuses to cooperate with treatment"

9. Page 149, line 4.

Following: "~~(4)~~"

Insert: "(4)"

10. Page 156, lines 9 and 10.

Following: "~~net~~"

Insert: "not"

Following: "evidence"

Strike: "only for purposes of impeachment"

11. Page 200, line 13.

Following: "~~eenvietion~~"

Insert: "within 5 years of the date of the conviction"

12. Page 222, lines 15 through 18 and lines 21 through 23.

Strike: "72," through "224"

Insert: "71, 72, 75, 76, 85, 96, 97, 104, 106, 107, 111, 124 through 129, 134, 135, 142, 153, 170, 175 through 177, 181, 199, 200, 204, 212, and 221 through 223"

Ex3
2-4-91
HB 114

Amendments to House Bill No. 114
Third Reading Copy

For the Committee on Judiciary

Prepared by Valencia Lane
February 4, 1991

1. Page 2, lines 14 through 16.

Following: "(E)" on line 14

Strike: remainder of line 14 through "OFFENSE" on line 16

Insert: "a court that has requested that it be notified in the
event of a release or escape of the person"

2. Page 2, lines 17 through 20.

Strike: subsection (3) in its entirety

Ex 4
2-4-91
SB 58

Amendments to Senate Bill No. 58
First Reading Copy (White)

Requested by Senator Yellowtail and Dept. of Justice
For the Committee on Judiciary

Prepared by Valencia Lane
January 29, 1991

1. Title, lines 6 through 8.
Following: "AN ACT" on line 6
Strike: remainder of line 6 through "CONFINED" on line 8
Insert: "REVISING THE LAW RELATING TO PAYMENT OF MEDICAL AND CONFINEMENT COSTS OF INCARCERATED PERSONS; CLARIFYING THAT MEDICAL AND CONFINEMENT COSTS OF INCARCERATED PERSONS MUST BE BORNE BY THE ARRESTING AGENCY, WITH AN EXCEPTION FOR CITIES AND TOWNS"
2. Title, lines 10 and 11.
Following: "BEHALF;" on line 10
Strike: remainder of line 10 through "PERSONS;" on line 11
3. Page 2, lines 5 and 6.
Following: "the" on line 5
Insert: "arresting"
Following: "agency"
Strike: "or authority at whose instance the inmate was arrested"
4. Page 2, line 7.
Strike: "or authority"
5. Page 2, lines 17 through 21.
Strike: subsection (5) in its entirety
6. Page 3, line 6.
Following: "an"
Insert: "arresting"
Following: "agency"
Strike: "or authority"
7. Page 3, line 10.
Following: "~~center~~"
Insert: ", as agreed upon by the arresting agency and the detention center,"
Following: "by the"
Insert: "arresting"
8. Page 3, lines 10 and 11.
Following: "agency" on line 10
Strike: remainder of line 10 through "confined" on line 11
9. Page 3, line 21.
Following: "~~unit~~"
Insert: "arresting"

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10. Page 3, lines 21 and 22.

Following: "agency" on line 21

Strike: remainder of line 21 through "confined" on line 22

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 4 Feb 91 Bill No. SB 51 Time 11:30 am

NAME	YES	NO
Sen. Brown		✓
Sen. Crippen	✓	
Sen. Doherty	✓	
Sen. Grosfield	✓	
Sen. Halligan		✓
Sen. Harp		
Sen. Mazurek		✓
Sen. Rye		✓
Sen. Svrcek	✓	
Sen. Towe	✓	
Sen. Yellowtail		✓
Sen. Pinsoneault		✓
	5	6

Jody Bird
Secretary

Sen. Dick Pinsoneault
CHAIRMAN

Motion: Towe - more amend - motion failed

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 4 Feb 91 Bill No. HB69 Time 11:40 am

NAME	YES	NO
Sen. Brown	✓	
Sen. Crippen	✓	
Sen. Doherty	✓	
Sen. Grosfield		✓
Sen. Halligan	✓	
Sen. Harp		✓
Sen. Mazurek	✓	
Sen. Rye		✓
Sen. Svrcek	✓	
Sen. Towe	✓	
Sen. Yellowtail		✓
Sen. Pineseault	✓	
	8	4

Jody Bird
Secretary

Sen. Dick Pineseault
Chairman

Motion: Sen. Towe - DPAA motion carried

