

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Pinsoneault, on February 26, 1991, at 11:30 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)
John Harp (R)
Joseph Mazurek (D)
David Rye (R)
Paul Svrcek (D)
Thomas Towe (D)

Members Excused:

Staff Present: Valencia Lane (Legislative Council).

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

Announcements/Discussion:

EXECUTIVE ACTION ON HOUSE BILL 72

Motion:

Discussion:

Chairman Pinsoneault said he belied the bill was prompted because of the justices of the peace dragging their feet on misdemeanor cases. He told the Committee he believed the justices of the peace were already complying with the 60-day requirement.

Chairman Pinsoneault asked if anyone knew what the difference between "personal" and "own" on page 7, and said they appeared to be synonymous.

Senator Halligan said the bill was not an important part of the interim committee's work. He stated it was sent out to some people who gave negative feedback. Senator Halligan advised the Committee that he couldn't imagine a situation where every justice of the peace court isn't going to comply.

Chairman Pinsoneault, referring to the title, commented that the courts try to expedite their matters.

Senator Halligan told the Committee that the justice of the peace courts are not the problem.

Valencia Lane stated the bill was an attempt to reduce overcrowding in jails.

Senator Halligan advised the Committee that there is provision in Missoula for someone to monitor jail population and release when overcrowding is imminent.

Senator Mazurek commented that it looks like the bill was drafted with felonies in mind.

Senator Towe said section 3 on page 3 refers to misdemeanors. He commented that those kinds of things should be pretty obvious anyway.

Chairman Pinsoneault said he did not believe there was any reason for justices of the peace to do things differently in their respective geographic areas. He told the Committee he believed this should be done through the Magistrate's Association.

Amendments, Discussion, and Votes:


There were no amendments.S

Recommendation and Vote:

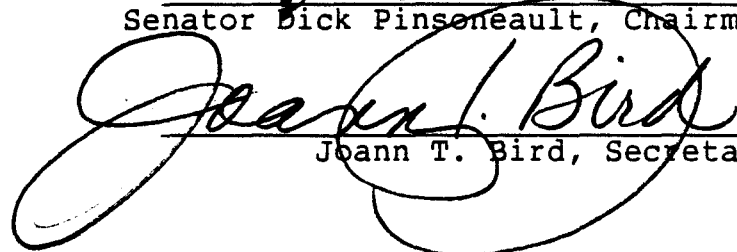
Senator Brown made a motion that HB 72 be TABLED. The motion carried 10-2 with all members voting aye except Senators Halligan and Yellowtail who voted no.

ADJOURNMENT

Adjournment At: 11:40 a.m.



Senator Dick Pinsoneault, Chairman



Joann T. Bird, Secretary

DP/jtb