

**MINUTES**

**MONTANA SENATE  
54th LEGISLATURE - REGULAR SESSION**

**CONFERENCE COMMITTEE ON SENATE BILL 333**

**Call to Order:** By **CHAIRMAN AL BISHOP**, on April 11, 1995, at 1:00 P.M.

**ROLL CALL**

**Members Present:**

Sen. Al Bishop (R)  
Sen. Reiny Jabs (R)  
Sen. Fred R. Van Valkenburg (D)  
Rep. Roger Somerville (R)  
Rep. Daniel W. McGee (R)  
Rep. Bill Carey (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** John McMaster, Legislative Council  
Judy J. Keintz, Committee Secretary

**Discussion:**

**SENATOR VAN VALKENBURG** advised the House Committee members that there were two reasons why the Senate rejected the House amendments. First, there was concern about the cost of a one-year treatment program. There was confusion regarding what would be included in that treatment. The second issue was concern about prohibition of judges being able to require someone to participate in a self-help program. He had visited with judges and treatment personnel. He had also visited with **REPRESENTATIVE DANIEL MCGEE** who had proposed that there should not be a prohibition on a sentence which would require attendance at open meetings.

**Motion:** **SENATOR VAN VALKENBURG MOVED TO AMEND SB 333. EXHIBIT 1.**

**REPRESENTATIVE MCGEE** explained the amendments. The second amendment is on page 4, lines 15 through 17. He referred to the sentence on page 4, line 15, which stated, "A court may not order a defendant to attend or participate in a self-help program not specifically recommended by the approved program providing services to the defendant under this subsection." He believed that sentence could be deleted. It would read, "A court or counselor may not require attendance at a self-help program other than at an "open meeting" as that term is defined by the self-

help program." He had two concerns. The first is that treatment be continued longer than just an inpatient treatment facility. Secondly, people who are legitimately attending AA meetings, should not be encumbered by people being sentenced to AA. Open meetings, which are defined by the self-help groups as allowing anyone to attend, would be a good vehicle for people to become familiar with AA. The fact that the defendant could voluntarily participate would go a long way toward their treatment. He believes everything is accomplished he wanted to see accomplished with this bill.

**REPRESENTATIVE ROGER SOMERVILLE** questioned whether a judge could order a defendant to attend an open meeting without coordinating with the local AA chapter?

**REPRESENTATIVE MCGEE** stated there are no local AA chapters. Every AA group is independent. They do not have a structure. That is one of the problems.

**REPRESENTATIVE SOMERVILLE** stated the problem with not having an agreement with that organization is that they may not accept the defendant who is being sent there.

**SENATOR AL BISHOP** stated they accept anyone who attends. During a Senate floor session, a Senator who is an AA counselor stated they would never turn anyone away.

**REPRESENTATIVE MCGEE** stated he had been in AA for ten years. He has seen the problem with people sentenced to AA. They are disruptive at a closed meeting. All they want is the document signed proving their attendance. AA is not an arm of government. Every open AA meeting is opened to anyone who wishes to attend. Closed meetings are for people who have recognized they have an alcohol problem and wish to do something about the problem. The language in the bill does not specifically itemize AA. It states self-help programs. The bill also limits this attendance to open meetings. However, it also provides that they may attend closed meetings.

**Joe Roberts, DUI Taskforce**, commented he talked to Judge Morris, Justice of the Peace in Missoula. He learned that while there is no formal structure with AA, there is a national court program where AA is coordinated with the court systems. They are comfortable with this bill.

**SENATOR VAN VALKENBURG** stated a judge could not require AA to take a defendant. The judge can require the defendant to attend. The judge would not have any jurisdiction over AA. If AA would not accept a defendant, the judge would not default the defendant. However, failure on the part of the defendant to attend could result in a jail sentence.

**REPRESENTATIVE MCGEE** stated it is important that AA have open arms. The only requirement for membership in AA is the desire to

stop drinking. If a person attends due to a court order but does not have the desire to stop drinking, they haven't met the only criteria for being there.. The open meeting avenue is the answer. Everyone at the open meeting would encourage the defendant to attend. When they reach the point where they do not wish to be drinking anymore, they will start attending the closed meetings.

Vote: The motion CARRIED UNANIMOUSLY on oral vote. .

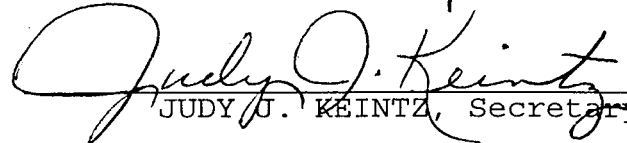
Motion: SENATOR VAN VALKENBURG MOVED THE CONFERENCE COMMITTEE REPORT ON SB 333 BE APPROVED.

Vote: The motion CARRIED UNANIMOUSLY on oral vote.

ADJOURNMENT

**Adjournment:** The meeting adjourned at 1:20 P.M.

  
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SENATOR AL BISHOP, Chairman

  
\_\_\_\_\_  
JUDY J. KEINTZ, Secretary

AB/jjk

Conference Committee

SB 333

DATE 4/11/95

Sen. Jabs  
Rep. Smerville  
Rep. Mc Gee  
Rep. Carey

ROLLCALL.F08

Conference Committee  
on SB 333  
Report No. 1, April 11, 1995

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Mr. President and Mr. Speaker:

We, your Conference Committee on SB 333, met and considered:

House Committee on Judiciary amendments to the third reading  
copy, dated March 23, 1995.

We recommend that SB 333 (reference copy - salmon) be amended as  
follows:

1. Page 4, lines 13 and 14.

Strike: "INCLUDE" on line 13 through "COUNSELOR" on line 14

Insert: "be followed by monthly monitoring"

2. Page 4, lines 15 through 17.

Strike: "MAY NOT" on line 15 through "SUBSECTION" on line 17

Insert: "or counselor may not require attendance at a self-help  
program other than at an "open meeting" as that term is defined  
by the self-help program. A defendant may voluntarily  
participate in self-help programs"

And that this Conference Committee report be adopted.

For the Senate:

Bishop Bishop  
Chair

Jabs Jabs

Van Valkenburg Van Valkenburg  
JV

Amd. Coord.

Gro  
Sec. of Senate

For the House:

Somerville Somerville  
Chair

McGee McGee

Carey Carey

ADOPT

REJECT

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INSTRUCTIONS:

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