

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN BOB CLARK**, on January 25, 1995, at
8:00 AM.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Shiell Anderson, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Bill Carey (D)
Rep. Aubyn A. Curtiss (R)
Rep. Duane Grimes (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Brad Molnar (R)
Rep. Debbie Shea (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)
Rep. Cliff Trexler (R)

Members Excused: NONE

Members Absent: NONE

Staff Present: John MacMaster, Legislative Council
Joanne Gunderson, Committee Secretary

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

Committee Business Summary:

Hearing: HB 173, HB 177, HB 191, HB 208
Executive Action: HB 173 DO PASS
HB 208 DO PASS
HB 198 TABLED

{Tape: 1; Side: A}

HEARING ON HB 173

Opening Statement by Sponsor:

REP. DAVID EWER, HD 53, presented HB 173 which is intended to enable the state of Montana to provide information to other agencies in states which regulate the gambling industry. Because many who desire to be involved in Montana's gambling industry are from out of state, it is imperative that they be able to communicate with colleagues in other states. This bill empowers the justice department to provide information to other states so that they will reciprocate.

Proponents' Testimony:

Beth Baker, Department of Justice, presented written testimony from the justice department in support of the bill. EXHIBIT 1

Dennis Casey, Gaming Industry Association, said the association, which is made up of operators, vendors and manufacturers of gambling equipment in Montana, strongly supports HB 173.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. BRAD MOLNAR wanted to know if the information being disclosed complies with the laws of the jurisdiction to which it is being disseminated.

Ms. Baker replied that they will ask the requesting agency to provide the authority under which they can receive the information.

REP. MOLNAR asked if a lawsuit would result if the authority on either side were challenged by the person or entity referred to in the information being disclosed.

Ms. Baker answered that if they were challenging the authority of the agency to receive it, Montana would not get involved. If they were to challenge Montana for disclosure, there would be a possible law suit.

REP. MOLNAR wondered if Montana would just believe the inquiring agency when they state the authority under which they are requesting the information.

Ms. Baker replied that Montana won't believe them unless they supply the authority and it will be verified.

REP. LIZ SMITH asked how many applicants from out of state are processed each year.

Ms. Baker answered, "Approximately 50." Currently there are applicants from Nevada, Oregon, Washington, Illinois, Canada, Australia, Japan and Germany.

REP. SMITH asked if this would also allow transfer information regarding their tax reporting.

Ms. Baker answered this was correct and described how this would work.

REP. WILLIAM BOHARSKI wanted to know what kinds of rules the justice department envisioned adopting to implement the statutory change if the bill were passed.

Ms. Baker did not think the department would need any rules to implement this. It is a simple cooperative memorandum of understanding with the other states which would set forth the terms of disclosure.

REP. BOHARSKI specified line 26 as indicating that some parameters might be required for how requests would be approved/disapproved.

Ms. Baker said the Attorney General is required to approve foreign law enforcement agencies for receipt of criminal justice information. It is a simple process and trouble is not anticipated with it.

REP. SHIELL ANDERSON, looking at lines 24 through 26, asked if that allows Montana to exchange information with other states which cannot be disclosed within the state due to restrictions such as the Criminal Justice Information Act.

Ms. Baker described to whom and under what conditions this information can be disclosed as allowed by current law. Generally the information would be disclosed for law enforcement purposes.

REP. ANDERSON clarified that this disclosure would not extend to the general public in other states. He wanted to know if the agencies receiving the disclosure would be able to then disclose it to the public.

Ms. Baker replied that the purpose of the disclosure primarily is for licensing applications. The agreement entered into with the other states provides that the information may not be disclosed beyond the agency without a court order or consent of the providing agency.

Closing by Sponsor:

REP. EWER reiterated the point that there is a process in place through current law providing for the appropriate and proper dissemination regarding the criminal justice system. The intent of this bill is to augment that to include gambling.

HEARING ON HB 208Opening Statement by Sponsor:

REP. JOHN COBB, HD 50, said HB 208 is basically a disclosure of information change which would impact the gambling industry by allowing disclosure of illegal activity just as now exists for other violations such as a DUI.

{Tape: 1; Side: A; Approx. Counter: 24.2}

Proponents' Testimony:

Beth Baker, Department of Justice, supported the bill by stating that it is consistent with the open records policy of state government. The bill would make the gambling division's records consistent with the rest of the agency; i.e., unless it is confidential criminal justice information or protected by some other privacy interests, the records are open to the public.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. JOAN HURDLE desired confirmation that HBs 208 and 173 coordinate.

Ms. Baker said that there would not be any conflict.

Closing by Sponsor:

REP. COBB closed.

HEARING ON HB 177Opening Statement by Sponsor:

REP. DEB KOTTEL, HD 45, described HB 177 as changing the manner of performing court administration. She explained how cases are currently processed in the various levels of the court system. The bill intends to cut out one layer of trial which would reduce costs through establishing justice courts as courts of record. Currently no transcript is taken of what occurs in a justice

court and because they are not courts of record, a person has a right to a second trial.

{Tape: 1; Side: A; Approx. Counter: 31.7}

Proponents' Testimony:

George Corn, Ravalli County Attorney, explained why HB 177 is necessary and is strongly supported by the Montana County Attorney's Association which requested this bill. The current law is detrimental to effective prosecution for the following reasons:

1. It allows people who have broken the law and have been convicted to continue to violate the law and escape punishment,
2. It wastes the limited resources the county attorneys' offices have, and
3. It works as an unfunded mandate imposed by the state on the counties.

He explained each of those reasons.

Bill Ware, Chief, Helena Police Department, Montana Association of Chiefs of Police, believed this bill is extremely cost effective and would save thousands of dollars of overtime paid to officers who testify in cases on appeal.

Gordon Morris, Montana Association of Counties, pointed out that the costs associated with the bill were not viewed by him from an unfunded mandate perspective. The bill establishes a requirement that the courts would have to provide electronic stenography or electronic recordings. It assumes that none of that equipment exists in the courts today and he disagreed that this was the case placing the fiscal note off the mark. Therefore, he felt the costs weighed far and away less than the advantages and that the bill made good sense.

Mike McGrath, Lewis and Clark County Attorney, stated he was appearing in support of the bill on behalf of the Montana County Attorneys' Association. In his opinion it was important to point out specific examples of costs associated with the current system in recent cases. In the past people did not abuse the current system with what has become a common defense strategy to delay settlement of cases through non-presentation of evidence at the justice court proceedings, appealing the decision of that court and asking for a second jury trial. He said the courts would not have to buy new recording devices, tapes could be reused after 10 days had elapsed and costs of maintenance and replacement would be insignificant compared to the expense of conducting two trials.

Troy McGee, Captain, Helena Police Department, Montana Police Protective Association, strongly favored this bill and the reduction in costs. Philosophically he questioned the right to two trials in a misdemeanor. He cited abuses by lawyers who view the trial in the justice court as a test run and do not even present evidence.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. DANIEL MC GEE asked where this bill makes city courts and justice courts courts of record.

REP. KOTTEL drew the committee's attention to page 2, line 7 and page 2, lines 17 and 18, saying that by deleting those sections and adding the new section 5, these courts are made into courts of record. This eliminates the exclusion from the current law as courts of record.

REP. MC GEE asked the sponsor if she was satisfied that this bill did what she intended.

REP. KOTTEL answered, "Yes."

REP. ANDERSON went to page 3, line 3 and asked if the cost of the transcript and the cost of hearing the transcript at the district court level would be borne by the defendant as a deterrent from persons appealing every case.

REP. KOTTEL felt that was exactly the intent. She believed the tape would go to the judge without transcription. The portion of the tape would be heard that corresponds to the questions on appeal.

{Tape: 1; Side: A; Approx. Counter: 57.2}

REP. LOREN SOFT asked if most of the instances of a second trial were requested by public defenders.

Mr. McGrath said, "Most times, not always, but often."

REP. SOFT asked if they were members of the bar.

Mr. McGrath answered, "Yes, they are." The one attorney who uses it as a test case is not a public defender.

REP. SOFT wanted to know what actions members of the bar take to address that with those attorneys.

Mr. McGrath posed that generally speaking those attorneys don't think they are frivolous appeals but feel they have an obligation

to do that because the procedure is provided. Attorneys are afraid that if they don't take every step, they will be sued.

REP. BILL CAREY asked how many times the district court overturns the justice court's decision.

Mr. McGrath said, "Very seldom."

CHAIRMAN CLARK referred to a case in testimony which involved kidnapping and wanted to know if that was tried in justice court.

Mr. Corn said that was in district court at the same time they had some appeals and were trying to get a justice court appeal done. The defendants took advantage of the automatic new trial so that they could not turn their attention to the felony case.

CHAIRMAN CLARK asked who schedules the trials.

Mr. Corn answered that the district court has to schedule trials as it sees fit taking all factors into consideration. The justice courts are separate and have control of their own schedules.

CHAIRMAN CLARK asked if this bill would have prevented that.

Mr. Corn replied that they would not have had to worry about the appeal part of it. He conceded that this proposed act might not have prevented it.

REP. LINDA MC CULLOCH clarified that at the first trial the defendant still has the right to ask for an appeal under current law.

REP. KOTTEL affirmed that.

REP. MC CULLOCH asked if under the new law they would still have that right but the judge would have the option of reviewing to determine whether a jury would be needed.

REP. KOTTEL said, "No, you are not correct." She explained that they were using the word, "appeal," to mean two different things. Under the current law, after the trial in justice court, there is an appeal or a request for a trial de novo. There is no review of the lower court file. The file is wiped out (sic), the lower court loses jurisdiction and they begin all over again as if the case had just been filed in the district court. Then a jury is empaneled, witnesses are brought forward and the case is done all over again. If this bill is passed, the trial would occur in justice court and if the person lost, they could appeal and the appeal is merely a review like what is done with the Supreme Court involving review of questions of law to determine any reversible errors made during the trial. But there would be no second empaneling of a jury or witnesses.

{Tape: 1; Side: B}

REP. MC CULLOCH asked if the judge under the new law would have the option to decide if there needs to be a jury trial on appeal.

REP. KOTTEL said that the appellate court judge would uphold the lower court decision, reverse the lower court decision or remand it back down for a new trial at the lower court because of some major procedural error. The remanding back down would only take place because something substantively went wrong.

REP. SMITH questioned how other states have this system.

REP. KOTTEL found three other states, the closest being Utah. Other states do not have this system which leaves the right to a whole new trial. They have an appellate system which this bill proposes.

REP. SMITH wanted an explanation of the intermediate appellate system.

REP. KOTTEL described the function of the intermediate appellate court system and the circumstances in which they exist in other states.

REP. DIANA WYATT asked if the justices of the peace were educated attorneys 100% of the time.

REP. KOTTEL answered that they are not. Non-attorneys are allowed to run and be elected to those positions and she described the training and qualifications and commended them on the excellent job they do. She did not know what percentages of justices of the peace are attorneys.

REP. WYATT believed that was the basis for the de novo appeal process. Her experience was that an attorney is not involved in that process and this bill could complicate the process.

REP. KOTTEL did not think it was complicated because there is no mandate that they must bring an attorney into the court to have the trial. She did not see how this would bring more lawyers into the process. She reiterated previous testimony in support of her opinion.

REP. BOHARSKI asked if a defendant can appeal on the grounds that they did not rightly represent themselves.

REP. KOTTEL said her understanding was that they could not. If the judge allowed some evidence to be presented that was not relevant or some evidence was allowed which changed the outcome from a legal standpoint, the case could be reviewed. But if the defendant did not do a good job of preparing or presenting, there is no second chance. For follow-up, she said that 99% of the

cases heard in justice court are not cases where grave areas of law are presented, but are questions of fact.

REP. BOHARSKI asked if a defendant has the choice between courts of limited jurisdiction or a district court.

Mr. McGrath said, "The answer is no." He went on to explain.

REP. BOHARSKI described a situation which could preclude the reasonable use of the court of limited jurisdiction for the settlement of a case where a defendant could obtain a fair and equitable decision without the need of an attorney. He felt this bill might be taking that option away.

Mr. McGrath said the conclusions drawn by REP. BOHARSKI were incorrect. He explained the reasons.

{Tape: 1; Side: B; Approx. Counter: 14.9}

REP. BOHARSKI rephrased his concern with an example and described how he believed this bill would change 100 years of Montana law and aggravate problems which a defendant would want to avoid by hiring an attorney. He felt this bill would eliminate the arbitration approach which is currently available through the courts of limited jurisdiction where defendants now feel they can represent themselves.

Mr. McGrath said it would not be his opinion that would be the result of this bill.

REP. BOHARSKI presumed the Supreme Court has rules on how these rules are to be kept and filed and wondered if the justice courts would have a problem with that.

REP. KOTTEL had talked with the court administrator for the Montana Supreme Court and found there are court rules on appeals for district courts. The rules are relaxed in terms of questions of law in the justice courts. The Supreme Court said they may have to issue clarifying rules to district court judges because of moving it into justice court.

REP. BOHARSKI wondered what the district court judges around the state felt about this bill.

REP. KOTTEL's understanding was that the district court judges have no opposition to this.

Closing by Sponsor:

REP. KOTTEL summarized the present system and its problems which she maintained puts the public in danger through the courts losing jurisdiction over a defendant as they transfer between justice court and district court. She also said these defendants get "two bites of the apple" which jeopardizes the safety of the

public and wastes limited resources. She reiterated testimony which pointed out the other wastes of resources. In terms of the unfunded mandates, a second amended fiscal note corrects the wrong assumptions which needed to be addressed and makes the bill more attractive in reduced costs to implement this bill.

{Tape: 1; Side: B; Approx. Counter: 26.1}

HEARING ON HB 191

Opening Statement by Sponsor:

REP. GAY ANN MASOLO, HD 40, introduced HB 191 requiring certain sex offenders provide DNA samples. It was drafted at the request of the Governor's Advisory Council on Corrections and Criminal Justice Policies. She said this bill addresses the growing concerns of victims of sex crimes in Montana and the United States and provides a modern tool for identification and apprehension of persons who commit sex crimes. She described the procedure and benefits of using DNA testing for this purpose as well as eliminating suspects and proving innocence. The bill has provisions for protecting the records and their proper use.

Proponents' Testimony:

Rick Day, Director, Department of Corrections and Human Services (DCHS), described the history behind this bill and the support of this bill by the administration. The recommended approach addresses three areas essential to an effective response to these crimes:

1. Technical advances which support investigation in the prosecution effort,
2. More effective options to improve sentencing and punishment, and
3. More effective tracking and supervision.

Leo Giacometto, Governor's Office, urged the support of this bill in giving additional tools to the law enforcement community.

John Strandell, Cascade County Undersheriff, Member of the Governor's Advisory County on Corrections and Criminal Justice, Subcommittee on Sex Offenders, believed HB 191 is an excellent concept that needs to be seriously considered by this committee and the current legislature. He echoed the previous testimony.

Ron Silvers, Vice President of Montana Sex Offender Treatment Association, said the members of that association favor HB 191. Treatment providers stress full accountability of sex offenders in outpatient treatment and use whatever means possible to ensure community safety and to closely track their behavior. He felt

that this measure would provide additional tools to accomplish that.

John Connor, Montana County Attorneys Association, Department of Justice, Member of the Governor's Advisory Council on Corrections and Correctional Policy, rose in support of HB 191. They believed this bill would be a useful tool in combating sex offenders from both a prosecution and an accountability and treatment standpoint. He also felt that this would allow for a greater scope of operations than that which is contemplated for sex offenses only. As he understands DNA analysis, the bill contemplates and provides for the creation of a data base of information for purposes of trying to track sex offenders. It is not limited to sex offense cases, but also in other crimes such as homicide. He described cases which were made more costly because of the current necessity for sending DNA analysis out of state. The fiscal note is sizeable but it doesn't address all the potential savings that could be realized from keeping the work in Montana.

Kathy McGowan, Montana Sheriffs and Peace Officers Association, reported their firm support of HB 191.

John Thomas, Chairman, State Parole Board, described the victims who go before the Parole Board and urged that anything that can be done to prove the innocence or guilt of defendants or act as a deterrent of these crimes should be supported.

John Ball spoke in favor of the bill as the father of a victim. He described his need was to have an assurance that those who commit these crimes will be deterred from re-offending. He said that one third of the prison population are sex offenders while his son is sentenced to a lifetime of management. He strongly solicited the support of this bill.

Laurie Koutnik, Executive Director, Christian Coalition of Montana, said she was concerned about the rise in crime against women and children. She questioned whether they could afford not to pursue this measure. She urged support of HB 191.

Dana Ball related the story of her son and the perpetrator of the six-year history of his sexual abuse. She gave the anguishing account of the result in the life of her son and devastating effect on their family.

{Tape: 1; Side: B; Approx. Counter: 52.2}

Opponents' Testimony:

Scott Crichton, American Civil Liberties Union (ACLU), prefaced his remarks by saying that is was not rising in absolute opposition to this bill. He felt many of the arguments were compelling, but he raised some question about taking a first step in giving the state the power to extract genetic information from

citizens, albeit law breakers, and to keep a data bank on that information. He acknowledged that the bill as written is very narrow, but the concern was the possibility of expansion of the application of DNA testing to other types of crimes as well as the state having the power to have that type of information on individuals. He urged caution in the areas of licensing of the laboratories, the qualifications and certification of the persons involved in the testing, and the reliability of the testing data.

Questions From Committee Members and Responses:

REP. DEBBIE SHEA wanted to know if there was anything in the bill about testing those already incarcerated for sexual crimes. She asked if they were "grandfathered."

Mr. Day understood that it applied to those who are convicted from this time forward.

REP. SHEA recalled that 26 other states have DNA testing in practice.

Mr. Day said that **Undersheriff Strandell** did testify to that effect.

REP. SHEA asked if Montana would have access to information regarding a sexual crime committed in another state.

Mr. Day replied that it is not dissimilar with the current practice with shared automated fingerprints between states.

{Tape: 2; Side: A}

Bill Unger, Administrator, Montana State Crime Lab, responded by describing how states enter into agreement and the programs which are available for the sharing of information like DNA.

REP. SHEA asked if Montana has any jurisdiction with this bill to do a DNA test on a defendant who has committed a sex crime in another state which does not have DNA testing.

Mr. Day did not believe that would be allowed because this hypothetical defendant had not committed a sexual offense in Montana. However, that individual would have to register in Montana.

REP. ELLEN BERGMAN asked if Montana takes any DNA sampling now.

Mr. Unger said if DNA is considered helpful and the county attorney requests it, our lab refers them to different labs which are able to do DNA analysis.

REP. BERGMAN wanted to know if that meant Montana is limited as to what kind of testing they can do and that any DNA testing must be sent out of state.

Mr. Unger restated that they do not do DNA testing because of the specialties of this type of testing. The trend in the future in serological identification is toward DNA and felt Montana needed to be working toward it not only in sex crimes, but also in other crimes.

REP. BERGMAN asked if part of the intent was to get a facility for the DNA testing or could it still be sent out of state.

Mr. Unger said in 1993, 176 sexual assault crimes were committed in Montana. The state crime lab had seen one-third of those cases. They did not see the other two-thirds because there was no suspect. Without a suspect, they cannot help identify a suspect because of the current limitations in the area of testing at the Montana State Crime Lab. Sending the samples out of state costs an average of \$2,000 - \$2,500.

REP. BERGMAN asked if it meant that when Montana authorities start taking samples for DNA testing there would be an automatic need for a lab in the state; or was it possible to continue to send the DNA testing out of state.

Mr. Connor said they have the capability of taking serological samples now and then they decide if there is any value to be gained in making a DNA analysis. If there is sufficient sample for DNA and value, they send it to a lab for analysis. The labs are expensive, and it is difficult and expensive to get the people here to testify on the results.

He explained that the intent is not to "find out about people" and the nature of the examination is extremely limited. They are not asking that the door be opened but for the capability to do a limited thing.

REP. SOFT addressed the title of the bill containing the term, "certain sex offenders" and asked what is meant by that.

Mr. Day believed they were referring to sex offenses as defined in statute.

Mr. Connor said the bill provides the offenses for which the application is intended; page 3, section 3 refers to the appropriate code references which define the sexual offenses which are felony offenses.

REP. SOFT asked what sexual offenses would not be covered by this.

Mr. Connor answered, "Misdemeanor sexual assault would not be covered for example."

REP. SOFT wanted to know what ages were included.

Mr. Connor said the bill contemplates both adult offenders and youthful offenders. It would be a case-by-case determination whether or not the youthful offender is one in whom there is a sufficient capability to have committed a knowing or purposeful act so that the person would be prosecuted as a delinquent youth under that statute. If that is the case, the bill contemplates obtaining a sample from that youth. If it is crime involving sexual intercourse without consent and the youth is over 16, there is the potential of having him tried in adult court as well.

REP. SOFT asked if a child of 10 or 11 who has been victimized and is now engaged in sexual perpetrating behavior would be handled on a case-by-case basis in determining the need for DNA testing.

Mr. Connor said that would be his view as a prosecutor.

REP. HURDLE wanted to know if this bill passes, would DCHS be leasing 5,000 square feet of space from St. Patrick's Hospital in Missoula and remodeling 1,500 square feet of it.

Mr. Day replied that the actual fiscal impact and rental space issues would be referred to the Department of Justice.

Mr. Unger explained that the crime lab currently rents 9,000 square feet at St. Patrick's Hospital. On the sixth floor of the hospital there is 5,000 square feet of un-remodeled space available. Because of the nature of the DNA testing and the security needs involved, if they take any part of that available space, they have to take it all. Only 1,500 feet of the 5,000 would be needed.

REP. HURDLE asked if there is a forensics department in DCHS as well as another forensics department in the state.

Mr. Unger said there was a division of forensics science laboratory in Missoula as well as a forensics science facility at Warm Springs.

Mr. Day explained that this bill is a cooperative effort between departments. The crime lab functions as a forensic lab, but DCHS' lab has none of that. The forensic building which DCHS has at Warm Springs is relative to treatment of the criminally mentally ill populations and has nothing to do with this issue.

REP. HURDLE re-asked, "But there is another forensics lab, then?"

Mr. Day answered, "No, it's not a lab, it's a treatment unit, with nothing to do with testing and analysis of blood samples." They call the crime lab the forensic lab and probably it is a crime lab and the other is the forensic unit.

REP. HURDLE wanted to know if the inclusion of deviant sexual conduct would impact the homosexual population since the statutes include homosexuality as deviant sexual conduct. If so, would they be subjected to involuntary DNA testing.

Mr. Connor replied that technically it would mean that, but he was not aware of any prosecution under that statute. There is no way to obtain evidence to prosecute under that statute. The person who would be viewed as the victim of that crime is also accountable for the criminal act and in Montana a person cannot be convicted on the basis the testimony of one accountable. No case has been successfully prosecuted under that statute.

{Tape: 2; Side: A; Approx. Counter: 22.7}

REP. MC GEE asked about the fiscal note regarding the square footage currently occupied in Missoula and how that could be best utilized.

Mr. Unger reviewed the fiscal note and that the lab is currently renting 9,400 square feet on the sixth floor of St. Patrick's Hospital with 5,000 square feet still available. If the bill passes and the fiscal note were to follow, they would move the current serological part of the lab to the new space which would include approximately 1,500 square feet. The 5,000 square-foot space would provide the capability for the lab to come into compliance with OSHA regulations and American Society of Crime Lab Directors requirements in instituting a DNA. Currently they are out of compliance in the location of offices near the lab. The cost per square foot at St. Patrick's is about \$5.84 - \$6.14 including utilities which is half of the going rate for square footage in Missoula.

REP. MC GEE asked if there is a constitutional question involved such that Montana cannot obtain DNA samples from perpetrators who have previously been convicted of sex offenses.

Mr. Connor didn't believe there was. A fingerprint data base is maintained for people previously convicted of criminal offenses and they have a system for tracking those records.

REP. MC GEE felt it would be appropriate to include currently convicted sex offenders in the DNA pool.

Mr. Connor thought that retroactive application would bring constitutional concerns. It would create ex post facto problems because a person has the right under the Constitution not to be required to comply to his or her detriment to laws that are enacted after that person commits the crime. The bill contemplates this by instituting the testing of anyone convicted of a sexual crime as of the effective date of the bill which will avoid constitutional problems.

REP. MC GEE asked how many youthful sex offenses there are in Montana.

Mr. Connor did not have any statistics on that, but he knew they are not uncommon.

REP. MC GEE asked if at age 18, all the youth records are sealed.

Mr. Connor said that was correct.

REP. MC GEE wondered why they are not addressing "just the next guy who is going to do this, and he has to be an adult...." and asked if the DNA records would also be sealed at the youth's age 18.

Mr. Connor said they were limited by federal law and mandates in that regard. If a youth commits an adult offense as an adult offender, it is possible to get access to that youth court record by court order. If the record indicates that the youth committed a sex offense as a youth, the court can take that into consideration when sentencing.

Dave Ohler, DCHS, responded to the question, without objection from the committee, by saying that this bill exempts DNA records from the sealing process included in section 8 on page 4,

REP. BILL TASH asked if this was an opportunity to encourage a private lab to come into Montana to conduct these types of testing in conjunction with the forensic lab services.

Mr. Unger said there are some labs which do forensic DNA now, but he was not aware of any in the northwest who do the test and testify in court as to the results. It has that potential.

REP. TASH supposed that it would depend on the amount of utilization to be done to attract private labs to come to Montana.

Mr. Unger said they would certainly be doing it for profit and that would have some weight.

REP. TASH asked if there are ways of satisfying the legalities of privatizing the service.

Mr. Connor said private labs conduct DNA analysis now. There are national standards and constraints which they have to follow. They have no problem having private forensic scientists testifying about the kinds of analysis they do.

Mr. Unger responded to **REP. TASH'S** question with information about the numbers of cases involving sex offenses only which would have required DNA testing. Fourteen percent of those cases were a result of arrest, the other 86% have not been proven. If just those tests were sent to the lab for analysis, the cost

would be about \$700,000 to \$800,000. This does not include the testing for other types of crimes. The fiscal bill is under \$200,000 per year once the remodeling is done.

REP. SMITH asked how much square footage would be needed to add the DNA testing to the present lab.

Mr. Unger said they figured about 115 - 150 square feet but they need two rooms which are separate from each other.

REP. SMITH said she understood there was a certified medical lab at the Warm Springs campus and asked if that was correct.

Mr. Unger was not sure.

Mr. Day replied there was a limited medical lab at Warm Springs state campus which deals with normal blood testing with a medical application.

REP. SMITH asked if they do DNA testing on those criminally mentally ill presently housed at the Warm Spring campus.

Mr. Day answered, "No, they do not."

REP. SMITH asked if the state hospital contracts or utilizes the criminal lab for some of their needed blood work or laboratory pathology.

Mr. Day answered, "On a regular basis, no."

REP. SMITH clarified her question by restating that the state hospital, on rare occasions, uses the crime lab just as any other entity would for that specific need.

Mr. Day agreed.

REP. WYATT asked if DNA analysis is currently done at the forensic facility.

Mr. Unger answered, "No, we do not."

REP. WYATT replied, "Not within the state of Montana."

Mr. Unger affirmed the answer.

REP. WYATT said he had testified that currently they are out of compliance with OSHA standards and are not accredited with the American Forensic Society.

Mr. Unger said they were out of compliance with OSHA and have never requested certification from American Society of Crime Lab Directors. Fifty percent of the crimes labs throughout the state are certified by this professional organization. Eventually not

being certified will be detrimental to the evidences provided at the state crime lab.

REP. WYATT asked if they currently do genetic marker testing in Montana.

Mr. Unger said they do a conventional serology, and five or six different genetic or marker identifications of body fluids.

REP. WYATT voiced her concern about the non-accreditation of the lab being used as a defense loop-hole if the bill is passed. She asked what kinds of equipment and training expense would be needed to perform this function.

Mr. Unger offered to provide a list. He said that in comparison to a crime lab, it is not very expensive. The initial set-up is about \$50,000. He reviewed the standards and guidelines which would be followed in the projected training process.

{Tape: 2; Side: A; Comments: The tape recorder was unplugged momentarily, therefore, the following question is incomplete and the counter capability was lost.}

REP. MOLNAR wondered if the fingerprint bank is expunged if a conviction of a sexual offense is reversed.

Mr. Unger could not answer the question.

Mr. Connor said he was not sure about that.

REP. MOLNAR asked why DNA information would be expunged.

Mr. Connor said he would find out.

REP. KOTTEL asked Mrs. Ball if she was comfortable knowing that if this law was passed and should her son offend, genetic material would be taken from him, stored in a bank and could be used to convict him of other sexual offenses to incarcerate him.

Mrs. Ball said she absolutely would be comfortable with that if he were an offender and even if only 10 years old because these people need to know there are boundaries which were taken from them when they were abused.

REP. KOTTEL asked if there were other violent crimes which have a high rate of re-offense.

Mr. Strandell said most assaults in the violent category have a high rate of offense.

REP. KOTTEL asked if it is more cost effective to expand the bill to include other violent offenders at this time so that the resources would capture a larger data bank. She wanted to know

if the lab as set up here would be able to handle greater numbers of DNA material.

Mr. Strandell felt that was an area that needed to be addressed and expanded. In drafting the bill, they decided not to expand it at this time, but he would be willing to support any movement to include violent offenders.

REP. KOTTEL asked if it was true that this bill would not help solve all sex offender crimes.

Mr. Strandell agreed that it was true.

REP. KOTTEL asked if she was correct that women sex offenders would not leave the type of genetic material which male sex offenders do making it hard to use any genetic evidence in prosecuting a female sex offender.

Mr. Strandell said that was true except for hair and things of that nature which could be collected at a crime scene for DNA cross matching.

REP. MC CULLOCH asked if they already take DNA samples occasionally and send them out of state.

Mr. Unger said it is the submitting agency's decision where to send them. They recommend different labs to them. The evidence is collected by law enforcement at the crime scene.

REP. MC CULLOCH asked if they were taking samples from an accused person at this point.

Mr. Unger replied that samples oftentimes are collected from suspects. He explained the procedure and circumstances.

REP. MC CULLOCH asked how it is that they are able to collect those samples since this law is not now in effect.

Mr. Unger told the committee how conventional serology is handled now in solving crimes as covered in statute, but it is not the same as collecting samples for genetic purposes which requires special legislation.

REP. MC CULLOCH repeated back that she understood that they do not currently do DNA testing.

Mr. Unger indicated agreement.

REP. MC CULLOCH recalled that the sponsor had said there were protections built into this bill from unauthorized public disclosure of this information. She asked what that protection would be.

Mr. Day pointed out the confidential criminal justice information as described in this bill in that access is only for criminal investigative purposes and research purposes without name and identification as well as use in identification of an unidentified deceased individual. He expanded on the expunging of records question previously asked. Absent of a conviction and upon an order of the court, the repository is obligated to expunge the records.

REP. MC CULLOCH asked about the procedure in obtaining the information for use in research purposes.

Mr. Day said that the procedures specifically relegated to this bill have not been completely identified. In general, he spoke to confidential questions on criminal justice information and research which goes on relative to current records.

{Tape: 2; Side: B}

REP. MC CULLOCH asked if public disclosure would be included in the rule-making authority.

Mr. Day said that this may be an area in need of further definition. The access to confidential criminal justice information is provided for in the statute at this point.

REP. MC CULLOCH inquired about the expunging of records when a person is found innocent.

Mr. Day replied that upon order of the court, the records would be expunged.

REP. MC CULLOCH asked what specifically DNA reveals that fingerprinting doesn't.

Mr. Day explained that if the registry were established from here, it would deal with those samples only from sexual offenses. The reasoning is that this offense is not one that can be cured and must be dealt with for their lifetime and in those crimes, there usually are no witnesses. There may also be no fingerprints. DNA testing allows an additional investigative tool to identify the perpetrator.

REP. MC CULLOCH asked how it is easier to track someone with DNA than someone through fingerprints.

Mr. Day replied that it depends upon what evidence is left at the scene of the crime.

REP. SOFT clarified that the state does not do DNA testing currently, but samples are taken and sent out to be analyzed.

Mr. Unger said that was correct. The local law enforcement agency does it, not the crime lab.

REP. SOFT asked if the current samples are taken for other than sexual offenses.

Mr. Unger said they are recommending sending what has been sent to them which may be evidence gathered at a rape, sexual assault case, or other crimes.

REP. SOFT clarified that this bill would open the door for them to gather samples from convicted sexual offenders.

Mr. Unger replied, "That's correct."

REP. SOFT asked what the current budget for DNA analysis is now.

Mr. Unger answered, "We don't have a budget. We do not do DNA and we don't have a budget for DNA." When a submitting agency sends the sample, that agency pays for the test if they choose to send it out.

REP. SOFT asked about the result if the fiscal note is amended out of the bill.

Mr. Unger said they would not have the capability of abiding by the law enacted by this bill.

REP. SOFT stated that this would open the door to collect samples but the counties would be responsible for paying for the analysis.

Mr. Unger said currently the services provided by the state crime lab are not paid for by counties. All state agencies and counties have access to the crime lab at no cost to them. The crime lab is supported by general fund and there is no user fee.

REP. SOFT reiterated previous testimony about the collection of samples at crime scenes and the process which follows.

Mr. Unger restated that they do not have the capability to do DNA and that they recommend that the submitting agency pursue DNA testing at their own expense with an out-of-state lab.

REP. SOFT stated that if this bill passed without the fiscal note, this same process could happen.

Mr. Unger said that was correct. If they had the money to do analysis of DNA and set up a data base, they would use that in other areas of the lab. They do not need legislative authority to improve their technique, but they do need it for a genetic data base. If they had the data base, they could help solve homicides, burglaries and other crimes.

REP. BERGMAN asked Mrs. Ball where she believed the baby sitter who molested her son had learned her behavior from other than being a victim herself.

Mrs. Ball replied that the baby sitter is in the state prison system now and is denying that she was ever abused though the evidence points to it. She said therapists where her son was treated felt it could be "cult related."

REP. ANDERSON asked if this applies only to felony sexual offenses.

Mr. Connor explained that 46-23-502, MCA, defines sex offenses and how that section of the code would apply.

REP. ANDERSON said the language of the bill lead him to believe that any sexual offense would be included, including misdemeanor sexual assault. He wanted to know if this was the intent.

Mr. Connor saw his point by examining 45-1-521, MCA, as it applied to the language and 46-23-502, MCA, along with the placement of the comma though he hoped that was not the intent of the bill.

REP. ANDERSON asked the sponsor if she would work with the department to clarify this section of the bill.

REP. MASOLO said that she would.

REP. ANDERSON proposed language that would promote the reporting of the success of this program to a future legislative session to determine the effectiveness of collecting DNA sampling as a deterrent effect and asked if there would be an objection to that.

Mr. Day said he would not object to providing a report and that it would be a reasonable request. He felt that it would be more appropriate that the crime lab and the Department of Justice supply the report.

REP. HURDLE asked if suspects would also be required to give DNA samples.

Mr. Connor said his understanding was that they would have to be convicted.

REP. MC CULLOCH asked if an amendment to more clearly define the rule-making authority would be acceptable.

Mr. Day said they would work with the Department of Justice to bring back something which would give more definition to the rule-making authority.

REP. BOHARSKI referred to page 2, lines 8 through 10, and asked if there were currently specifically recognized industry standards for markers which are useable and accurate which are recognized in court.

Jim Streeter, Forensic Scientist, Montana State Lab, explained that there are a variety of markers from which they can test DNA samples and he detailed them.

REP. BOHARSKI wanted to know technically how it would work.

Mr. Streeter said they keep a portion of every stain that is analyzed. A portion of the blood would be retained frozen on a piece of gauze in the laboratory. The samples could be retested as other markers become available.

REP. BOHARSKI referred to section 4 on page 3, lines 17-18, indicating files created by a sexual offense that are on record being used to solve future non-sexual crimes and he wondered if they could be used in that way.

Mr. Connor said that was his understanding.

REP. BOHARSKI asked if that was the intent of the sponsor or was it only for identification in future potential sex crimes.

Mr. Connor said he believed the primary purpose of this bill was to allow for more efficient tracking of people who are sex offenders. But there are some secondary benefits to be realized in analyzing those samples for other crimes.

REP. BOHARSKI asked if they were to expand the purpose of the bill to include other crimes, how much that would add to the cost and if it could be done within the same time frame.

Mr. Unger answered that if they had the capability to analyze DNA samples they would be able to apply it to other cases in addition to sex offender cases. There would be minimal added cost. If that information were used to solve other crimes, it would not go into the data base because that is not the intent. It would be used in-house. Legislative authority is not needed for that because they are just improving Montana's capability of solving crimes.

REP. BOHARSKI guessed the answer was that the additional cost would be minimal because of the major cost in the purchasing the equipment.

Mr. Unger agreed and said the reagents they would use are \$50 per sample.

REP. CURTISS asked where the DNA samples are currently being sent and if there are adjacent states who might use the lab for this testing if it were here.

Mr. Unger said adjacent states are implementing this. Contracting with other states is not currently being done. Most cases require expert testimony which requires additional cost for travel to perform that part of the service.

{Tape: 2; Side: B; Approx. Counter: 32.6}

REP. HURDLE wanted to know if training and certification is included in the costs reflected in the operating costs of the fiscal note.

Mr. Unger said that was correct.

Closing by Sponsor:

REP. MASOLO closed by summarizing the need for this bill.

EXECUTIVE ACTION ON HB 173

Motion: REP. ANDERSON MOVED HB 173 DO PASS.

Discussion: REP. SMITH said she had a concern in opening the doors to additional casinos being allowed in the state though she agreed with the need for cross checking with other states and creating incentives for new businesses in the state.

REP. HURDLE said she understood that this bill was about sharing of information and not application for new businesses.

CHAIRMAN CLARK said that was correct.

REP. MC GEE wanted to look at HB 173 and HB 208 together and suggested that they examine how each one affects the other.

REP. ANDERSON said he agreed that HB 208 extends the information which would be available to the other jurisdictions in HB 173. However, the information HB 208 refers to should be available to the public anyway. He did not believe the bill would expand the information which is not available currently.

REP. SOFT asked if the bills could be combined since they address the same statute.

REP. ANDERSON said they could have at the start, but at this point nothing would be gained by combining them.

REP. DUANE GRIMES believed there would be some language change in HB 173 to make it fit. He went on to explain and felt they should be considered separately.

REP. CURTISS said it had long been recognized that organized crime as a huge stake in the gambling industry and felt that this effort would help the Attorney General's office to address problems.

Vote: Motion carried unanimously by voice vote, 16-0.

EXECUTIVE ACTION ON HB 208

Motion/Vote: REP. SHEA MOVED HB 208 DO PASS. The motion carried unanimously by voice vote, 17-0.

EXECUTIVE ACTION ON HB 198

Motion: REP. SHEA MOVED HB 198 DO PASS.

Motion: REP. MC GEE MOVED TO AMEND ON PAGE 2, LINE, 2, AFTER THE WORDS, "A FEE," STRIKE "OF," INSERT, "NOT TO EXCEED \$200 TO BE DETERMINED BY THE COURT."

Discussion: REP. ANDERSON thought that if they amended the bill in that fashion, they would allow the courts to forget the hassle about imposing a fee on these people and wondered if the \$25 minimum amount should remain so they could at least assess the \$5 fee.

REP. MC GEE said it was a good point, but described his intent in raising the minimum to compensate for some of the administrative costs to probation/parole.

CHAIRMAN CLARK said that it goes to general fund.

REP. HURDLE reiterated REP. BOHARSKI'S concern that this money is earmarked to go to county attorneys' offices.

REP. BOHARSKI asked the sponsor to state the intent of the bill.

REP. AHNER said the intent was for the victim.

REP. GRIMES asked if there are other fees similar which apparently give the district court judge discretion to set the total cost and would they have to write administrative rules to determine what that would be.

REP. MC GEE withdrew his motion.

REP. HURDLE still had a question about earmarking the funds because she was not clear on the difference between the victim's services and the witness assistance program.

CHAIRMAN CLARK said they were not the same thing. He agreed this would be a specific fund for victims.

REP. MOLNAR recalled that there is a \$25 maintenance fee on paroles to help defray the cost of probation. His concern for that bill was the same as for this one in that it does not provide enough to make it worthwhile.

REP. HURDLE believed the way the bill is written the money would go to a salary for someone providing victims' services.

REP. SMITH answered her concern by reading lines 6-9 on page 2 which outline administrative costs not to exceed 20%.

REP. HURDLE felt that a clerk hired to work in that office would not be considered part of that administrative fee for the Crime Victims Assistance Program, but that it would be the county attorney's administrative fee.

REP. GRIMES returned to the question of the intent of the bill and called for clarification of that.

REP. BOHARSKI agreed with REP. MOLNAR that it might be a feel-good measure and reiterated previous testimony. As well, he expanded on his own previously stated reasons for questioning the effectiveness of this approach.

REP. AHNER said she had a fiscal note as well as other portions of the effort to put money into the victim's fund and that she would present those to the committee for further information.

CHAIRMAN CLARK asked for a motion to postpone action.

REP. TREXLER did not feel that would change the mind of the committee. He preferred to work on the bill.

REP. MC CULLOCH reviewed page 2, section 5, line 9, and brought up questions relating to the administrative costs to the district court clerk.

Vote: Motion failed 3 - 16, REPS. GRIMES, SOFT and AHNER voting aye.

Motion/Vote: REP. BOHARSKI MOVED TO TABLE HB 198. The motion carried by 16-3, REPS. GRIMES, SOFT and AHNER voting no.

Motion: REP. CAREY MOVED TO ADJOURN.

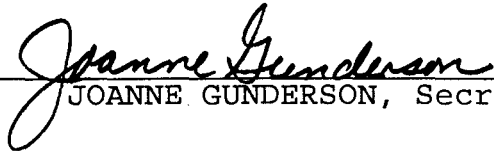
{Comments: This set of minutes is complete on two 60-minute tapes.}

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:45 AM.



BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 1/25/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓		
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		



HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that **House Bill 173** (first reading copy -- white) do pass.

Signed: Bob Clark
Bob Clark, Chair

1-25

mm

Committee Vote:
Yes 16, No 0.

211320SC.Hbk



HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 208 (first reading copy -- white) do pass.

Signed: _____

Bob Clark

Bob Clark, Chair

1-25

Mr

Committee Vote:

Yes 17, No 0.

211321SC.Hbk

DEPARTMENT OF JUSTICE
House Bill 173:
Sharing Gambling Information With Other Enforcement Agencies

Purpose

To clarify the authority of the Department of Justice's Gambling Control Division to share information with its counterparts in other states and countries.

Background

Montana law places strict limitations on the information that can be disclosed about applicants for gambling operators' licenses. Section 23-5-116 allows disclosure only of the applicant's name and address, the name of each person having an ownership interest in the business, and the types of permits requested by the applicant.

Although the statute does allow disclosure of other relevant information to federal, state, city, county, or tribal criminal justice agencies, most gambling enforcement and regulatory agencies in other states and countries do not meet Montana's strict definition of "criminal justice agency." The Montana Criminal Justice Information Act defines "criminal justice agency," in relevant part, as "any federal, state, or local government agency designated by statute or by a governor's executive order to perform as its principal function the administration of criminal justice." (MCA 44-5-103(7)(b))

The "administration of criminal justice" means "the performance of any of the following activities: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. It includes criminal identification activities and the collection, storage, and dissemination of criminal justice information." (MCA 44-5-103(2))

The standard practice of gambling enforcement agencies is to enter into written agreements to set forth the circumstances under which information within each agency's possession may be shared with other agencies. The agreements ensure protection of confidential information and require a court order or written consent of the originating agency before any information may be disclosed. Because of the definition of criminal justice agency, Montana has been unable to join these standard agreements.

The Problem

Multi-jurisdictional businesses are common in the gambling industry. For example, the Gambling Control Division currently is investigating applicants based throughout the United States, as well as in Japan, Germany and Australia. Under state law, each applicant must undergo detailed review of the applicant's financial, business, and criminal history. The Department's review is hampered by the roadblocks to open exchange of information:

→ In a recent case, investigators from Montana and Colorado were both working on the same applicant from Illinois. The investigators were limited in the information they could share due to Montana's restrictive statutes.

→ The Nevada Gaming Control Board--an agency with criminal justice powers whose agents are sworn peace officers--recognizes the Montana Department of Justice as a criminal justice agency for purposes of sharing criminal justice information. Montana law does not, however, provide Nevada with reciprocal status. The result is an ineffective regulatory and enforcement structure for both states, which share many common licensees and applicants.

These barriers to open communication cost the state--and license applicants--time and money by slowing down background investigations and the overall licensing process.

Proposal

HB 173 would allow the Department of Justice to exchange information with its counterparts in other states, local and tribal governments, and foreign countries, provided the receiving agency is approved by the Attorney General and the disclosure meets the requirements of the receiving jurisdiction's governing law.

HB 173 will expedite the Department's review of out-of-state businesses that apply for gambling licenses in Montana, and will improve the state's ability to provide relevant information to other enforcement agencies.

HB 173 will not affect the vast majority of Montana-based licensees, since most of the information that is now restricted pertains to companies located outside the state. By facilitating exchange of information, the overall licensing process will be expedited and time will not be wasted duplicating investigative work done elsewhere.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 1-25-95

BILL NO. HB 173

SPONSOR(S) Rep. Ewer

PLEASE PRINT !

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dennis Caskey	Gaming Ind. Assn	✓	
Beth Baker	Dept. of Justice	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 1.25.95

BILL NO. HB 208

SPONSOR(S) Rep. Cobb

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Beth Baker	Dept of Justice	✓	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

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CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 1.25.95

BILL NO. HB 177

SPONSOR(S) Rep. Kattel

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Gordon Morris	MA Co.	✓	
Bill WARE, Chiet	Mt Asso. Chiefs of Polie	✓	
Troy Mc Gee	Mt. Police Protective Assoc	✓	
JOE ROBERTS	Mt. Cty Atty. Assoc.	✓	
MIKE McGRATH	CNTY ATTYS	✓	
George CORN	Russell County Atty	✓	
Charles R Brooks	Yellowstone County	✓	

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CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 1-25-95

BILL NO. ^{HB} 191

SPONSOR(S) Rep. Ma Solo

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Bill Wenger	DEPT. JUSTICE	✓	
Julie Long	Dept. Justice	✓	
JIM STREETER	DEPT OF JUSTICE	✓	
John G. Thomas	BOP	✓	
Sara Strator	visitor	✓	
JOHN STRANDELL	CASCADE CO. S.O.	✓	
BILL WARE Chief	Mt Asso. Chiefs of Police	✓	
JOHN J. BALL	PRIVATE CITIZEN	✓	
Dana Ball	" "	✓	
DAVE OHLER	Dept. Corrections	✓	
Ken Silvers	LPC Private Practice	✓	
Troy McGee	Mt. Police Protective Assoc	✓	
Scott Quetta	NCLV		✓

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CS-14

Kathy McGowan

MSPOA

✓

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 1/25/95

BILL NO. 191 SPONSOR(S) _____

PLEASE PRINT !

PLEASE PRINT !

PLEASE PRINT !

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<i>[Signature]</i>	Governors Office	✓	
Charles R. Brooks	Yellowstone County		
Leanne Kootak	Christian Coalition of MT	✓	
Dallas Erickson	Citizens for Deeper Thought	✓	
Arlette Andash	EAGLE Forum	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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