

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN BRUCE D. CRIPPEN**, on March 1, 1995,  
at 10:00 am

**ROLL CALL**

**Members Present:**

Sen. Bruce D. Crippen, Chairman (R)  
Sen. Al Bishop, Vice Chairman (R)  
Sen. Larry L. Baer (R)  
Sen. Sharon Estrada (R)  
Sen. Lorents Grosfield (R)  
Sen. Ric Holden (R)  
Sen. Reiny Jabs (R)  
Sen. Sue Bartlett (D)  
Sen. Steve Doherty (D)  
Sen. Mike Halligan (D)  
Sen. Linda J. Nelson (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Valencia Lane, Legislative Council  
Judy Keintz, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 46, HB 69, HB 177, HB 179  
Executive Action: None.

**HEARING ON HB 46**

**Opening Statement by Sponsor:**

**REPRESENTATIVE BRUCE SIMON**, House District 18, Billings,  
presented HB 46. This bill expands the crime of arson. If a  
person poured gasoline on a car and then set it on fire, he would  
not be committing an act of arson. If a person set a haystack on  
fire and burned a crop, he would not be guilty of arson. He  
would be guilty of criminal mischief. This bill will broaden the  
act to include burning of other people's property or burning your  
own property for the purposes of receiving ill-received gains

through insurance to be included in the act of arson. Currently, you are guilty of arson only if you burn an occupied structure. It certainly makes a big difference to law enforcement. He commented on several newspaper articles. One was a fire behind an IGA store which nearly cost the owner the store. Another article was about a pickup which was burned while parked on the streets of Billings. This was not arson. The last article referred to a teenage gang which was responsible for many things including an arson fire. They pled guilty to burglary, robbery and criminal mischief. There is a big difference between mischief and arson. A fire which was set at a dumpster in Billings cost a million dollars in damage to a furniture store. Law enforcement has asked that the statute be changed so they can treat these people as arsonists.

**Proponents' Testimony:**

**John Connor, Department of Justice,** spoke in support of HB 46. This is a simple bill which tries to expand the definition of arson so that it covers crimes committed by fire. Criminal mischief has a more limited penalty than arson. Arson is potentially more dangerous. In the view of many it is a crime of violence because it runs the risk of harm or injury to individuals. In Montana, crimes are not tracked by the fact of the crime but rather by the definition of the offense to which the defendant pleads guilty. If the defendant pleads guilty to criminal mischief, there is no way to know whether the defendant committed arson unless you look at the investigative file.

**Lonnie Larson, Billings Fire Marshall's Office,** spoke in support of HB 46. One of his responsibilities is to investigate the origin and cause of fires. They had an individual set five fires one night. Out of these five fires, they could only try him for arson relating to one fire because there was an individual in a car adjacent to one of the cars which he set on fire.

**Paul Gerber, Billings Fire Marshall,** commented that the Billings Fire Department responded to 700 fires in 1994. Approximately 25% of these incidents were incendiary or suspicious fires. Over 1/3 of the dollar loss in 1994 was attributed to incendiary or suspicious fires. Fire investigation is a complex science. In many cases they believe they know who started the fire. Arson cases are difficult to prosecute because much of the case is built upon circumstantial evidence. The crime of arson takes more money out of our communities than any other crime in Montana. Current Montana law presents obstacles for the effective prosecution of arson. HB 46 would correct these legal deficiencies. Input to this legislation was provided by the State Fire Prevention and Investigation Bureau, the State Attorney General's Office, and the Yellowstone County Attorney's Office. Last year there were several boarded up buildings which were set on fire. They were very dangerous for the firefighters to fight and were very taxing upon the Department's resources. Under current legislation, burning these buildings is not arson.

Last summer someone set fire to over 200 residential plastic dumpsters. This individual not only caused the dumpsters, valued at \$200 apiece, to burn but also set on fire fences, hedges, etc. This would not be arson under current law. HB 46 would make the arsonist accountable for the nature of the crime he has committed.

**James Lofftos, President Montana Fire Districts Association,** stated they stand in support of HB 46. Every time one of their firetrucks leaves to fight a fire they are not only putting their lives in danger by responding to a code 3, red lights and sirens, but they are putting other people's lives in hazard too. The firefighters are put at risk fighting the fire. A lot of these people are volunteers who should not be put at risk to fight an arson fire. There are far too many arson fires in the state of Montana.

**Kathy McGowan, Montana Sheriffs and Peace Officers Association,** spoke in support of HB 46.

**Randy Vogel, Billings Police Officer,** commented this bill will give some assistance to law enforcement to call an arsonist just what he is, an arsonist. This does not mean a rancher burning ditches because intent is needed. This does not mean a young child playing with matches because you have to knowingly and purposefully commit the act. People who commit terrorists acts for monetary gain are arsonists.

**Tim Bergstrom, Montana State Fireman's Association,** spoke in support of HB 46.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

**SENATOR SUE BARTLETT** commented her concern is with a bill which recently passed that makes anyone convicted of the crime of arson three separate times, subject to life imprisonment without possibility of parole. The changes here would include in arson, "damaging by fire any vehicle of any value or no value and personal property which exceeds \$500 in value." If a person was found guilty three times under this statute, they would be in prison for life. She asked if he felt the crime of arson should include all of the potential types of arson proposed in HB 46.

**Mr. Gerber** commented that the definition of arson needs to be expanded. He spent 22 years in fire service. He has a hard time understanding why we have trouble with this crime. If a person robs a bank and takes \$1000, every law enforcement officer in the area would go after that person. That person could get into a \$15,000 car and torched the car, the only person involved would be one fire investigator. We lose millions of dollars and

thousands of people die because of arson fires. It is a serious offense. A person who burns a dumpster today will be burning buildings with a few years.

**SENATOR BARTLETT** commented that burning of boarded-up buildings posed very dangerous situations to firefighters. She stated the existing crime of arson includes fire which places another person in danger of death or bodily injury including a firefighter responding to or at the scene of that fire. Was their county attorney reluctant to charge arson in those instances?

**Mr. Gerber** commented they had extensive conversations about the situation. He was involved with an arson fire. A stairwell fell through on him and his partner. The county attorney stated that a stairwell falling through on him did not prove that he was endangered. Endangerment is hard to prove until the wall falls in on a firefighter.

**CHAIRMAN BRUCE CRIPPEN** asked if they had considered using different degrees of arson?

**Mr. Gerber** commented his research showed that prior to 1973 we had the model arson law in Montana which went by degrees. This was changed in 1973 because the Montana Criminal Law Study Commission felt that we needed to have the crime of arson fit the criminality of the offense. The recommendation from the Legislative Council was not to get back to degrees of arson because the state statutes are not designed around degrees. It would not be consistent with current law. First degree arson would carry a penalty of 20 years. If a person then burnt another occupied structure, the person would then have a 10 year sentence. A church with 300 people in it would be a second degree arson as compared to an uninhabited house for first degree arson. If a person is sentenced to the state prison for more than a year, it is a felony. If he is sentenced to less than a year in state prison, it is a misdemeanor. Sentencing has a lot to do with the felony. This bill will change the labeling and have the crime classified to what has occurred. Under arson, the Department would have notification which would provide for them to be notified when an arsonist is out of prison and returns to their town. If the case is arson, the city can recover some of the cost. They cannot under criminal mischief.

**CHAIRMAN CRIPPEN** stated the three strikes and you are out proposal would be under 103, which is being amended under this bill. He asked **John Connor** if he saw any problems with this.

**Mr. Connor** commented that there was some discussion regarding this in the House. The committee felt that when talking about personal property it had to exceed \$500 in value. There is not an offense of malicious mischief. There is criminal mischief. If the property exceeds a value in excess of \$500, it is a felony. If it involves a commonly domesticated hoofed animal, it is a felony. If the offense is less than that, it is misdemeanor

criminal mischief. If an 18 year old sets fire on two occasions under the influence of alcohol to something of a minor value, and then does something similar a third time there is still the option of charging some of those offenses as criminal mischief if you do not want that person faced with a life term. If it doesn't seem appropriate to send this person away for life, there are charging options available. The concern of the fire marshall is that the crime of arson is potentially dangerous to life. That is what sets this apart from criminal mischief.

Closing by Sponsor:

REPRESENTATIVE SIMON commented that charging someone with arson and proving the act of arson is a very difficult process. To be able to charge someone with arson three different times and prove it in a court of law three different times is going to be a very difficult process. The court would have the option of charging these offenders with criminal mischief.

HEARING ON HB 69

Opening Statement by Sponsor:

REPRESENTATIVE MARJORIE FISHER, House District 80, Whitefish, presented HB 69, the victim's rights bill. This bill will give victims access to information, names and phone numbers of the prosecutor and investigating officer, the crime charge, the date, the time and location of the proceedings, the appeal or postconviction proceedings by the offender and the release, escape, parole or pardon of the offender. It will give consideration to the victim's interest. It will recognize rights of the victim and restoration of their loss as part of the correctional policy of the State of Montana. It will clarify that victim impact statements must be allowed by the sentencing judge at the time of sentencing; by the sentencing judge in death penalty sentencings; by the parole board when considering an offender's parole eligibility and by the court or parole board when considering an offender's request to reduce or waive restitution. It requires consideration of the protection of the victim by the courts when imposing restrictions on the offender and by the court before allowing a sex offender who assaulted a child to be treated in a community setting. It will require that restitution be imposed as a condition of any sentence. It will allow restitution to be satisfied by forfeiture of the offender's assets, return of property to the victim, payment of 1/3 of prison earnings and services provided to the victim or other designated person with the victim's consent. It will also provide lifetime restitution. It will increase some compensation to the victim's funeral benefits to \$3500 and secondary victim for mental health treatment to \$2000.

Proponents' Testimony:

**Joe Mazurek, Attorney General,** spoke in support of HB 69. Protection of crime victims must be an integral part of the criminal justice system of this state. Often victims are forgotten or lost in the technicalities of the criminal justice system. This bill recognizes that they deserve better than that. Since 1985 there has been a basic crime victim's rights section. Victims still do not get information. Restitution opportunities are limited as a result of a Supreme Court decision. This bill requires restitution as a condition of sentencing. This bill was an effort of the Montana Board of Crime Control which set up a task force to study a number of issues relating to victims rights. State v. Brown was handed down by the Supreme Court in 1994. This case involved two women who were struck in a crosswalk in Whitehall by three teenage boys who were racing down a street after leaving a bar. One woman was killed and the other was seriously injured. As a result of that case, the defendant was sentenced to 30 years. Ten years were suspended. The court ordered restitution; however, the Supreme Court ultimately determined restitution could not commence until after the suspended sentence had been served. It also stated there had not been findings of a determination of the amount of liability the defendant should have been required to pay. It acknowledged that restitution was not considered a part of the correctional policy of this state. This bill addresses the concerns which were raised in that decision. One of the responsibilities his office is assuming under this bill is to prepare pamphlets and information for local law enforcement agencies which outline what is necessary in terms of providing notice to victims of crime.

**Gene Kiser, Director Montana Board of Crime Control,** presented his written testimony in support of HB 69, **EXHIBIT 1.**

**John Connor, Montana County Attorneys Association,** commented that they worked on the review of this bill while it was being drafted to offer some perspectives from the standpoint of the prosecutor and the impacts this bill may have on the prosecution of criminal cases. The concern of the prosecutor is that, while they willingly provide information to victims in crime, they also need to be concerned about preserving and protecting the integrity of the case. Although the bill provides that the prosecutor can provide criminal justice information to crime victims, such as police reports and things of that nature, they would not want to do so if it would impact upon the credibility of the witness in trial. If the witness was an eyewitness victim to the crime, providing police reports would impeach that persons credibility on testimony. They believe this bill contains adequate protections in that regard. The bill requires that prosecutors do more than they are doing now. Open and frank communications with crime victims makes the prosecutor's job easier. When victims are informed, they want an effective prosecution of the case. Restitution is a large part of the bill. They handle

violent crime prosecutions and victims couldn't care less about restitution. In a homicide case, they have lost everything of value to them. What they do want is an opportunity to be told what is going on in the case. The defendant and prosecutors know what is going on the case. Victims are entitled to the same kind of information.

**Jane Bernard, Interdepartmental Coordinating Committee for Women,** presented her written testimony in support of HB 69, **EXHIBIT 2.**

**Robert Anderson, Administrator of Special Services Division, Department of Corrections and Human Services,** spoke on behalf of the Governor's Office and the Department in support of HB 69.

**Jim Oberhofer, Montana Chiefs of Police Association,** urged support of HB 69.

**Kathy McGowan, Montana Sheriffs and Peace Officers Association,** commented this bill has been a high priority for them. In her sixteen years as the Citizen's Advocate in the Governor's Office, she saw a real need for enhancement in this area. She worked closely with victims. There was not enough information for victims.

**Marian Stevenson** presented her written testimony, **EXHIBIT 3.**

**David Henion, Mental Health Association,** commented that one section of this bill would improve the reimbursement for mental health counseling and therapy for victims from a minimal amount of \$500 to \$2000. The bill also allows greater flexibility for reimbursement for counseling for secondary victims of sexual assaults. This allows therapists to work with family members in restoring the whole family to health.

**Mathew Dale, Executive Director of the Friendship Center of Helena,** commented they provide shelter and related services to victims of domestic violence in Lewis and Clark, Jefferson and Broadwater Counties. Last year they served 292 battered women and the 271 children they brought with them. This was an increase of 33% in the number of adults and a 19% increase in the number of children over one year ago. They see approximately 25 new battered women each month. Domestic violence is a crime which occurs in secret behind closed doors. This bill attempts to replace the secret, tightly controlled environment the victim has been living in. This bill, by advocating information, bridge building, and open dialogue, assertively seeks to reverse those patterns. Police, judges and attorneys can unintentionally mimic the "you don't need to know and I'm not going to tell you" system the victim is attempting to leave. While the information is frequently withheld with the best of intentions, it still places the victim outside the loop and can revictimize them. This bill will keep the victim informed. It seeks their input and gives them a voice. In responding to and prosecuting domestic violence cases, knowledge is power. Taking control and

becoming involved is an aspect of recovery for a victim. The bill also expands coverage of the victim assistance program. The saddest news to give a victim or their family is that there is money available to help, but they do not qualify because of circumstances outside of their control. This is currently the case for secondary victims of child sexual abuse. As it stands, a person must be charged before funds are made available to secondary victims for mental health counseling. Frequently the first decision an abused person must make to leave is the most difficult. The next big decision is whether to press charges to prosecute and this is where the criminal justice system comes into play. Montana has a history of supporting all aspects of what it takes to help people leave and recover from violent situations.

**Beth Baker, Department of Justice,** commented there are three primary functions of the bill. The first is to provide crime victims with better access to information about the criminal justice system and the proceedings involved in the case. The sections which address this purpose include the first two sections of the bill; however, the bulk of the access sections are in sections 29-37 of the bill. Most of these sections are in current law which is being expanded to clarify what information is going to be given to the victim and who is going to give the victim that information. The new sections are taken from the Uniform Victims of Crime Act which was adopted in 1992 by the National Commission on Uniform State Laws. That would include sections 35 and 36. This will include notice of appeal or postconviction remedies to the victim and also information concerning confinement which will be provided by the Department of Corrections and Human Services or the Board of Pardons as applicable. In terms of notice, it is important to recognize that section 37 says that the notice may be satisfied by either written or oral communication. There are no formal requirements that the local authorities will have to follow. The person who is providing the information is also required to give updates of significant changes. The obligation to furnish information to a victim is conditioned on the victim's responsibility to inform the prosecutor or the department that they want notice of this so that there is always a current address on file and the notice can be given to the appropriate person. The restitution provisions are the most important aspects of this bill. Under current law, a judge may order restitution only if there is some aspect of the sentence that is suspended or deferred. If the defendant gets a straight prison term, the judge cannot order any restitution. That is being changed by requiring restitution to be imposed as a condition of every sentence. If the judge defines that the defendant will not have the ability to pay, it would allow the judge to order community service as an option in the judge's discretion. The primary aspects of restitution are addressed in sections 13-20. The additional mandatory nature of restitution is on page 8, line 22. Section 16 addresses other ways in which restitution can be satisfied. This allows forfeiture of the defendant's assets. This would include return of property to the



victim and payment to up to 1/3 of prison earnings. With the consent of the victim and in the discretion of the court, the defendant could perform services in lieu of money. This could apply to a defendant painting a fence which was damaged, if there was no money available. She also referred to the fact sheet which was provided to the committee, **EXHIBIT 4**. The amendment which was made in the House at their request allowed lifetime restitution. It is now in Section 39 of the bill. This amends the code of civil procedure to allow an action to be brought at any time during the offenders lifetime to enforce an order of restitution. Section 19, page 15, lines 10-12 states that an order to pay restitution, even under current law, constitutes a judgment in favor of the state and following default the sentencing court may order the restitution to be collected by any method authorized for the enforcement of other judgments. By amending the civil code to allow this action to be brought at anytime during the offenders lifetime, it allows lifetime restitution without burdening the correctional system by requiring that the offenders be supervised for life.

Opponents' Testimony: None

Informational Testimony: None.

Questions From Committee Members and Responses:

**SENATOR BARTLETT**, referring to the definition of "victim" as the estate of a deceased or incapacitated victim or a member of the immediate family of a homicide victim, asked **Mr. Connor** if there needs to be a choice made that either the estate or a member of the immediate family qualify as "victim".

**Mr. Connor** stated that he believed that language to mean that if there are no members of the immediate family of the deceased victim, then whatever the estate might be is the entity to which they are communicating. It is not an alternative. It is there to cover different types of situations.

**SENATOR BARTLETT** asked what the procedure would be if both types of situations obtain in a single case.

**Mr. Connor** stated that as a practical matter, they would communicate with the family members who are most directly affected. The children, spouse, or parents are the ones who want to know. They ask the family members who should be provided the information. This would also be the people who represent the estate of the deceased.

**SENATOR BARTLETT**, referring to the restitution section which involves forfeiture of the offender's assets, asked what would take priority if the crime were a drug offense, since there are forfeiture requirements for property acquired by drug offenses to

go to law enforcement agencies. How would the rights of victims interplay with property acquired through drug actions?

**Mr. Connor** commented that he couldn't think of a situation where that occurred. In drug prosecutions, the cases they deal with are ones in which a person is involved in the business of selling drugs to make money and they sell the drugs to an undercover officer or undercover operative working for the police. In the process of prosecuting that case if there is a forfeiture of property, the statute requires that it be given to the law enforcement agency most directly involved in it for use in education and law enforcement purposes.

**SENATOR BARTLETT**, in referring to the fiscal note, stated the Crime Control Division projected a need for a .5 FTE and 1 FTE. She asked what the source of those funds would be and what the status of that budget request is.

**Mr. Kiser** stated the source of the funds would be from the fines and forfeitures set aside for crime victims. Part of this, 9%, would come out of the special account.

**SENATOR BARTLETT**, referring to the source of the funds and the various purposes, asked if the additional people would reduce the amount which would be available for direct assistance to crime victims.

**Mr. Kiser** stated that in the past some of those funds have been reverted at the request of the legislature because they had not been used.

**SENATOR NELSON** asked how the restitution is monitored when it is a lifetime opportunity? Who monitors it?

**Ms. Baker** commented that currently the restitution has to be ordered by the judge at the time of the sentencing. It will be investigated as part of the presentence investigation report. The bill would expand on what the presentence report would have to include which is documentation of any pecuniary loss sustained by the victim. It must be ordered at the time of the sentencing. It carries forward as part of the sentence with the defendant. While the defendant is under state supervision, he is obligated to pay that restitution. It is supervised by the probation or parole officer. The bill clarifies that if restitution is ordered as part of the sentence, it must be imposed as a condition of any parole as well. It will follow him while he is under state supervision. Once the period of state supervision ends, the criminal justice system has no more ability to enforce that against the defendant. The order continues as a judgment in favor of the state. The state can sue to enforce the judgment in civil court. Section 39 allows that action to be brought at any time during the offenders lifetime. Currently, it would be limited to ten years from the date of judgment. The final option the victim has is to bring a civil action on the victim's own

behalf against the offender. Restitution is limited to specific damages, such as medical bills, and would not include damages for pain and suffering which might be allowed in a civil case.

**CHAIRMAN CRIPPEN** asked if the forfeiture sections provided for a hearing?

**Ms. Baker** commented that page 13, line 26, provides that forfeiture may be allowed unless the court finds after notice and an opportunity for the offender to be heard . . . This would contemplate a hearing. The only thing this bill specifies is that the offender must have notice and opportunity to be heard.

**CHAIRMAN CRIPPEN** stated that his concern was with constitutional problems. He also asked why oral communication would be satisfactory for giving notice?

**Ms. Baker** stated they plan to provide prosecutors and law enforcement with a pamphlet which will have in writing all of the standard information in terms of the criminal justice process. In terms of trial dates, hearing dates, etc., many times it will have to be sufficient for the prosecutor's office to call the victim regarding changes in dates.

**SENATOR LORENTS GROSFIELD** asked if leaving a message on an answering machine would be oral communication?

**Ms. Baker** stated that live communication would be necessary for anything significant. The victim is supposed to inform the appropriate official of name, address and telephone number.

**CHAIRMAN CRIPPEN** stated that the pamphlet they are providing should state that they should follow up with written notice, even if this is after the fact.

**Closing by Sponsor:**

**REPRESENTATIVE FISHER** commented that instead of adding another FTE, they might contract the services.

**HEARING ON HB 179**

**Opening Statement by Sponsor:**

**REPRESENTATIVE GARY FELAND, House District 88, Shelby,** presented HB 179 which provides that an escapee can be charged in any county other than the county in which the escape occurred. The county attorney would be able to file the charges in Deer Lodge rather than taking the inmate back and forth between counties.

**Proponents' Testimony:**

**John Connor, Montana County Attorneys Association**, urged support of HB 179. This bill was asked for initially by Powell County Attorney, Chris Miller, and then subsequently by the Montana County Attorneys Association to return the law to the form it was in prior to the adoption of the new Criminal Procedure Code in 1991. Former § 46-3-203 allowed escapes from Montana State Prison to be prosecuted in any county in the state. That was not carried over into the new code. The bill is designed to expedite escape prosecutions from the Department of Corrections and to save the Department funds. Escapes could be prosecuted in Powell County. This would reduce the number of instances in which inmates must be returned from the prison to various other counties in the state to be prosecuted for escapes. Most escapes occur from prerelease centers, trustee positions, furlough programs and intensive supervision programs. They have not had an escape from the prison itself for five years. They average 35 to 40 escapes per year from other aspects of Department of Corrections commitments. When captured, the inmate is taken back to Montana State Prison as an inmate. If prosecution is in Cascade County the prison has to transport the inmate for every court appearance. This bill would allow the inmate, at the inmate's option, to be prosecuted in Powell County. Most inmates prefer this because they know the uniform sentences for escapes. This benefits county attorney offices on the local level because they do not have to deal with issuing warrants and prosecuting escape cases.

**Robert Anderson, Department of Corrections and Human Services**, urged support of HB 179.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions From Committee Members and Responses:**

**SENATOR ESTRADA** asked if the 37 inmate escapes per year would include the half-way houses?

**Mr. Connor** stated that it did. That estimate is based on escapes from custody which are committed to the Department of Corrections which would include the Montana State Prison, the Women's Prison, the prerelease centers and all other supervised programs the Department conducts for inmates.

**Closing by Sponsor:**

**REPRESENTATIVE FELAND** offered no further remarks on closing.

HEARING ON HB 177Opening Statement by Sponsor:

REPRESENTATIVE DEBORAH KOTTEL, House District 45, Great Falls, presented HB 177. She stated that a good criminal justice system includes three legs. The first would be victim's rights. The second is rehabilitation and prevention programs. The third leg is accountability. In Montana there are three levels of courts. There are courts of limited jurisdiction which would include city courts and justice courts. By statute, these courts are not courts of record. There are courts of full jurisdiction which would involve the district courts which are courts of record. There are then appellate courts. Because the city and justice courts are not courts of record, when a person has a trial and does not like the outcome of the trial they have a right, within 10 days, to demand a new trial at the district court level. The right is a right to trial de novo. It is a danger to the public and a cost to the cities and counties. After the trial has taken place in the instance of DUI or a spouse abuse case, if the abuser has been convicted and doesn't like the outcome of the trial, they can then demand a new trial. When this happens, justice court loses jurisdiction which means that individual who was just convicted is back out in the community again waiting for the second bite out of the apple. They have two changes to get off. This pulls law enforcement off the streets. They are waiting to testify in court proceedings. The defense attorneys can decide not to make a case, make the state put their case on, watch and listen to the witness and then nonacquiesce the decision and go on to the district court level having heard the entire state's case. When people demand a second trial, there is the cost of the county attorney, jurors, law enforcement, judges, and clerks. The state does not reimburse the counties for the cost of public defenders on county misdemeanor cases. This is a simple bill which makes justice courts, courts of record. The defendant has his rights protected in that he can appeal the case into district court. An appeal is different than a new trial. An appeal is an allegation that mistakes were made which resulted in reversible error. Misdemeanor defendants, like felony defendants, will have one right to a trial. They will still have a right of appeal. Justices of the peace and city judges are well trained, professional individuals who do their job well. They are elected professionals and we give credence to their decisions. This will require counties to purchase recording equipment. Most counties are courts of record for small claims court. A one time purchase will stop all the other costs which take place in jury trials.

Proponents' Testimony:

John Connor, Montana County Attorneys Association, stated that this bill is one of the most important pieces of legislature this session because of the incredible drain on these operations as

well as the operations of public defender offices throughout the state. In misdemeanor violent crime case, it is not fair to make the victims come back to court and recount what happened a second time. There is some belief that this is an effort on the part of the Association to push toward making justices of the peace and city court judges lawyers. The Association has no interest in that whatsoever.

**Lee Kerr, Rosebud County Attorney**, stated that the legislature has imposed many new duties and responsibilities upon county attorneys. Over the last two months he has had approximately five cases this bill would address. Murderers in this state get only one trial. Wifebeaters, people arrested for DUIs and speeding should get only get one trial.

**George Corn, Ravalli County Attorney**, spoke on behalf of HB 177. This bill is needed because current law is a blunt tool. It is a danger to the public because it allows persons who have been convicted to escape or delay their punishment. It wastes the limited resources of the county attorney's office. It presents a unfunded mandate to the counties. There can be a lag time of four months to a year before retrial. The person who has had one jury trial has seen the state's case. The state may not be able to get a conviction the second time around. They know what arguments they need to counter. Why should a person accused of a misdemeanor get an automatic retrial when a person accused of a homicide only gets one trial? An automatic new trial injects a burden which the county attorneys should not have to face. Last year the district court in his county tried 14 cases, seven were retrials. People are using the system to make political statements. State law makes new trials automatic but the county has to withstand the cost. The jury and bailiff costs are between \$500 - \$600 per trial. The lawyer has one obligation as a defense attorney and that is to use every legal means to see that his client is acquitted. Right now the legal means is two trials.

**Gordon Morris, Association of Counties**, stated they support the bill. The financial costs assessed by the fiscal note are more than offset by the cost savings which would be realized throughout the county system including the district court, the sheriff's office, county attorney and the justice of the peace.

**Mike Mathew, Chairman of Yellowstone County Commissioners**, stated they have seen a dramatic increase in jury trials coming through their justice court system in the last few years. Many of those trials move to the district court level and are retried. This creates a tremendous backlog of work.

**Alex Hansen, League of City and Towns**, stated he recently spoke with the city attorney in Billings. Their position on the bill is that even though there will be some additional costs in purchasing the recording equipment, the savings will come at the other end.

**Kathy McGowan, Montana Sheriffs and Peace Officers Association,** spoke in support of HB 177.

**Troy McGee, Montana Police Protective Association and Montana Association of Chiefs of Police,** stated their support of HB 177.

**Sharon Bakerson, Majority Against Child Molestation,** stated this bill would speed up court actions in many criminal cases because it would create a record starting from the initial appearance in justice or city court. This is especially important where children are concerned. These children are forced to face the people who have abused them. This is terrifying for the families.

**Rus Hill, Montana Trial Lawyers Association,** stated they are in cautious support of HB 177. Justice of the peace courts are an extremely valuable means of resolving fairly modest disputes informally and without burdening the district courts. This informality benefits both sides. The three concerns had to do with discovery, establishment of a record, and the qualifications of JPs. MTLA is comfortable with the way this bill addresses each of those concerns. In JP court there is not a right of discovery. The defendant does not have the same rights to gather information in his own defense that they would have in other types of actions. The bill only applies to appeals of findings of fact, not findings of law. A defendant can still appeal into the district courts on a finding of law. A defendant can go back into the justice court and reopen issues of fact. The Montana Supreme Court has indicated that if this bill passes, it will address the lack of discovery in JP courts through rules. It is clear that making audio tapes in JP court is a less formal way of establishing a record than in district court and may be a problem when defendants do appeal. District courts, on appeal, will spend a lot of their time listening through audio tapes. The record is there, it's just more cumbersome. MTLA would not require JPs to become attorneys. A defendant will always be able to challenge the legal findings in the JP court.

**Gary Felstad, Undersheriff Rosebud County,** encouraged support of HB 177. Their county is 130 miles long. They have two justice courts. When appeals take place in district court it is a real scheduling nightmare for them.

**Opponents' Testimony:**

**Douglas Harkin, District Judge of the Fourth Judicial District,** stated he is the Chairman of the Judicial Unification and Finance Commission, a district judge in Missoula, a member of the Supreme Court Commission on Courts of Limited Jurisdiction which trains justices of the peace and city judges, and also President of the Montana District Judges Association. This is a well intended bill but it will cost a lot of money and he believes we should wait and let technology assist with the problem. There is no

problem. Last year there were 323,000 cases filed in the courts of limited jurisdiction in this state. Four hundred and sixty nine of these cases were appealed. Fifty-five percent of those that appealed came from Yellowstone and Lewis and Clark Counties. The Judicial Unification and Finance Commission was a very broad based commission. They looked at this proposal as one of their considerations. In 1984 a joint interim subcommittee from the legislature considered expanding justice of the peace jurisdiction. The counties opposed any suggestion that jurisdiction of justice court should be expanded in this fashion because of the cost imposed. A record would be critical in all criminal cases. There would need to be a written transcript of each case in JP court which would be very expensive to the litigants and the county. Missoula has two types of appeals which come up from the justice court which are not trial de novo. They listen to the tapes to determine if there are errors of law. The record is an absolute disaster. It is never complete. Passing this bill will create a new technicality for defense lawyers. If this legislation is passed, JPs will need to be trained. The training costs will be very expensive. They train JPs to know the law, follow the law, be reasonable, be fair, make and explain a good decision. The Judge's Association is working with the Supreme Court to come up with an idea of what the courts will be like in the future. He suggested not spending money on something which is not a problem and waiting a few years until we have advanced technology.

**David Hull, Helena City Attorney and also a member of the Commission on Courts of Limited Jurisdiction,** stated that he believes this bill is well intended. Justice is mass produced in justice court and city courts. They have a tremendous caseload. If they become a court of record, there will be all types of complications regarding discovery, pretrial process, and case preparation. If a person is under arrest and is convicted in city court and appeals to the district court, they do not go free. If they are in jail, they stay in jail. If they are out on bail, the bail remains. Child sexual abuse cases are not misdemeanor cases. In a criminal action, you are held to a high standard. You have to be able to make an adequate court record. If there is not a full record, double jeopardy will apply and the defendant will walk.

**Bob Gilbert, Montana Magistrates Association,** stated this bill will create more problems than it will solve. The county attorneys like this bill because it will cut out some labor on their part. There are a lot of loopholes for defense attorneys. If there are imperfect recorders used in the court, the case will be thrown out. The judges were not a part of writing this bill. This legislature in this session is on such a fast track that there is legislation they are not able to keep up with. Under the current system, there is an appeal to district court and that costs money. Under the new system, the process is taperecorded and then you appeal to district court. There is the cost of reviewing all the information. Perhaps it would be best to wait



a few years for the judges and county attorneys to work together to create a court of record which would include both criminal and civil cases. Justice costs money. This bill is an unfunded mandate on counties. There is no method of funding this bill.

Informational Testimony: None.

Questions From Committee Members and Responses:

**SENATOR AL BISHOP** asked **Judge Harkin** if all defendants use lawyers in JP or city court.

**Judge Harkin** answered they do not. They can defend themselves. If it is likely that the case will result in incarceration, they have a right to a court appointed attorney.

**SENATOR BISHOP** stated that a JP or magistrate would want to make a good record. He sees this will increase costs immensely because the JP will advise defendants to have an attorney representing them. He suggested that a defendant of diminished capacity who does not request a lawyer and chooses to defend himself or herself would not make a good record.

**Judge Harkin** commented the courts of limited jurisdiction are designed to be people's courts where the rules are fairly flexible. The district court on appeal has to look at the record as is. This will be a problem.

**SENATOR BISHOP** commented that the record on the side of the defense may not be a very good record; however, they will be restricted to that on appeal.

**SENATOR BARTLETT**, referencing the 469 cases which were appealed from courts of limited jurisdiction to district court, asked what the outcomes of the cases were. She assumed that there was a conviction at the lower court level.

**Judge Harkin** did not know.

**SENATOR BARTLETT** asked what the original fiscal note stated.

**REPRESENTATIVE KOTTEL** commented the preparers of the first fiscal note were not aware that district courts were courts of record. The original note included all district courts.

**CHAIRMAN CRIPPEN** asked **Mr. Connor** what training non-attorney JPs have in dealing with questions of evidence. That will be an issue at every appeal.

**Mr. Connor** stated it is not the intent of the prosecutor to stilt the record to gain an advantage in court. The case would only get reversed and there would have to be a new trial. They have an obligation both ethically and legally to protect the record. Justices of the peace have become more sophisticated in recent

years because of the training they receive. He has had trials before some justices of the peace who could do an adequate job with a felony case. Their training with respect to evidentiary issues is such that they are capable of handling these evidentiary questions.

**CHAIRMAN CRIPPEN** commented there has been legislation to expand the jurisdiction of JP courts. One area has been small claims. Some of the discussion when these areas were expanded was because there was always the trial de novo to the district court available. Would this bill lead to a restriction of the jurisdiction?

**Mr. Connor** stated there has not been an expansion of jurisdiction of justice courts with respect to criminal matters. They did give some consideration to addressing the civil issue.

**CHAIRMAN CRIPPEN** asked if JP courts were courts of record, would that give them a reason to attempt to obtain broader jurisdiction?

**Mr. Connor** stated that could be argued.

**CHAIRMAN CRIPPEN** asked how many JPs are legally trained.

**Mr. Connor** stated he did not know.

**CHAIRMAN CRIPPEN** stated that if these lower courts were to become courts of record, JPs must be attorneys. He questioned when a defendant would be free from one court to the other.

**Mr. Connor** stated that in his experience the defendants were always free between appeals. They were there on misdemeanor offenses and the county could not afford to keep those people in jail.

**CHAIRMAN CRIPPEN** asked if those defendants created a serious hazard to the public?

**Mr. Connor** stated they were not.

**CHAIRMAN CRIPPEN** asked if he felt that there was a defendant who ought to be held would he be able to restrain that individual?

**Mr. Connor** stated the bail statutes address the issue of public safety where bail is concerned. The court has a lot of discretion with respect to conditions which can be attached to bail.

**SENATOR HALLIGAN** asked what the time frame would be in regard to technology.

**Judge Harkin** stated if five years from now there were massive appeals from the justice court which are overwhelming the

district court, they would be ready with voice recognition tapes and advanced technology. California has the technology now. It is quite expensive.

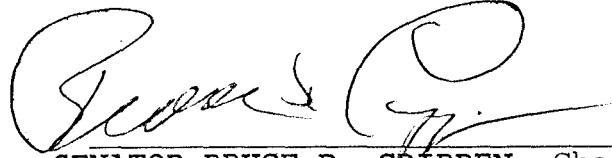
**SENATOR HALLIGAN** stated that there needs to be someone in control of where everything is going.

Closing by Sponsor:


**REPRESENTATIVE KOTTEL** commented that someone stated they hadn't had proper notice regarding this bill. None of the three opponents were present before the House Judiciary Committee. However, the Magistrate Association had a copy of this bill when it was originally drafted by the Justice Department. They had more than sufficient time to review the legislation prior to it being introduced in the legislative session. Technology is here. The \$2000 is for a voice activated tape recorder. The machine picks up sounds in a room. It saves tape because it only goes on and off when it picks up the voice. When a JP is paid \$20,000 to \$30,000 a year they should be able to turn a tape over because the machine buzzes when the tape is at an end. Right now there are 469 new trials taking place at an immense burden and cost to the county and the judges. Those same 469 would file their notice of appeal under the new system. They have an obligation under a notice of appeal to say what errors of law took place. They have to listen to the tape, not the judge. The defendants have to point out the error. This is a big difference. For the defendant to say he wants his right of a new trial, even though there was nothing wrong in the first trial, is very different from turning around and saying there was a mistake made at the trial which caused reversible error. One is an appealable right because of a mistake. The other is simply allowing people to play at trial in the justice court. It is time justice courts were not dress rehearsals. If our justices of the peace are not trained to put a record together, they ought to be.

ADJOURNMENT

**Adjournment:** The meeting adjourned at 12:00 p.m.



SENATOR BRUCE D. CRIPPEN, Chairman



JUDY J. KEINTZ, Secretary

BC/jjk



**HB 69: REVISE CRIME VICTIMS' LAWS**

**SPONSOR: REPRESENTATIVE MARJORIE FISHER**

**Testimony: Gene Kiser**

**Montana Board of Crime Control**

**444-3604**

The Montana Board of Crime Control is the state agency responsible for the administration of the Crime Victim Compensation Act of Montana and the Victims of Crime Act funds. Additionally, the Board will assume administrative responsibility for the Violence Against Women Act funds that will be coming to Montana during the coming fiscal year. These funds will be used to provide monetary assistance to local law enforcement and prosecution in developing and implementing more effective policies and services for preventing and responding to violent crimes.

The Board has direct contact with victims through the Crime Victim Compensation program.

This program provides assistance to victims who have been injured as the result of criminal act.

Direct contact with victims on a daily basis has provided us with insight into the trauma and difficulties victims face. We believe that the sections enumerated in HB 69 address many of the /problems currently encountered by victims in the criminal justice process. It also allows crime victims to receive compensation for funeral expenses in cases of homicide and mental health for secondary victims in cases of child sexual assault.

Because of my 30 years experience in law enforcement in the largest metropolitan area in the state, I have witnessed first hand the frustration and anger victims express due to the inadequacies and failures of the criminal justice system. Victims, traumatized by the crime itself are further victimized by being cast into an unfamiliar, impersonal criminal justice system replete with long-standing barriers. It is critical victims be informed of and included in the criminal justice proceedings by taking an active role in the process thus restoring their faith in the system.

When victims are given the opportunity to be involved in their own case they are often more cooperative and this allows the,m to regain some control of their lives.

EXHIBIT 1  
DATE 3-1-95  
HB 69

Too many times the criminal justice system is accused of focusing more attention on the rights of the accused to the exclusion of the rights of the victim. This bill will allow the concerns of the victims to be brought into the process in a more comprehensive manner than ever before.

Many of the barriers victims face will be addressed and corrected with the passage of HB 69.

The Board of Crime Control supports this legislation.

Thank you.



Interdepartmental Coordinating  
Committee for Women

ICCW

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 3/1/95

SEN. NO. HB 69

March 1, 1995

TO: SENATE JUDICIARY COMMITTEE  
Senator Bruce Crippen, Chair

CONTACT: Jane Bernard

SUBJECT: House Bill 69

Mr. Chairman, members of the committee, for the record my name is Jane Bernard and I represent the Interdepartmental Coordinating Committee for Women, known as ICCW. ICCW is in existence by Executive Order of the governor to create positive change for all state employees by promoting the full participation of women at all levels in state government.

ICCW urges your support of House Bill 69. The purpose of this legislation is to provide victims of crime with better access to information about the criminal justice system and the proceedings involved in the case; to require consideration of the victim's interest at critical stages in the proceedings; and to require restitution payment whenever the victim has sustained pecuniary loss and the offender has the ability to contribute something to the payment of restitution.



ICCW supports HB 69 because of its impact to state employees. Many of us are placed in dangerous situations due to the nature of certain employment positions. The murder of Walter Sullivan, auditor for Department of Labor, represents our case in point. Not all state employees have the working knowledge of the judicial system. Like other private citizens, we would frequently benefit from assistance in dealing with the criminal justice system - particularly after being victimized.

SENATE JUDICIARY COMMITTEE HEARING  
EXHIBIT NO. 3  
DATE 3/1/95  
FILE NO. HB 69

March 1, 1995

HB 69 Senate Judiciary Committee Hearing

Mr. Chairman; members of the committee;

My name is Marian Stevenson. I'm from Hobson, Montana, Judith Basin County.

I am speaking only about the portion of HB 69 regarding access to information, although I believe the complete bill is also a step in the right direction in providing some measure of protection for victims and in providing restitution in cases where restitution is possible.

On March 27, 1994 my life ended. My husband, Wayne Stevenson was murdered. He was ambushed from the dark and shot six times by an employee on our central Montana ranch.

In the past 11 months I have learned more than I ever wanted to know about the criminal justice system. The inequity of access to information soon became apparent to me. When an arrest is made it seems the law is heavily weighted towards the rights of the defendant. Victims or their families are often denied information that is available to prosecuting and defense attorney's and to the defendant.

We are fortunate here in Montana to have many people in law enforcement and investigation and prosecution who are caring, compassionate and dedicated to doing their jobs in a competent and professional manner.

Assistant Attorney General John Connor and his staff were very careful to keep me informed about what they could regarding the case. Some attorneys are not that considerate.

I can only imagine how horrible it would be to open a newspaper or turn on the radio or TV and in that manner learn of a bail hearing or other court proceeding being scheduled.

I believe this legislation and the victims rights that it insures is necessary.

Wayne and I were married for 34 1/2 years. We lived together, loved together, worked together; shared our lives completely and I feel it should be my right to be informed about what happened, how it happened, and to be made aware of all legal proceedings. I did not want to be protected from the horrible details. This crime was done to me as well as to my husband. Wayne's life was stolen from him by a brutal, senseless act and my life with him was destroyed.

A question I had early on was--how did my husband die? Having shared our life together so completely I was in agony not knowing what happened in his last moments. Since the only living witness was the defendant and he was not talking--I asked the authorities if they could explain to me what the evidence indicated had taken place. It was important to me to know as much as possible about what had happened. I feel very strongly that this should be a right available to victims.

In our case the defendant entered a guilty plea shortly before the trial was set to begin. At that time the judge ordered a pre-sentencing report. This report is done by a probation officer. In the course of his investigation for this report, the defendant was interviewed; I was interviewed; I believe the defendants wife and possibly others were interviewed.

We were informed that family and friends could write letters or written statements to the court expressing their opinions and comments on the case. Many family members and friends did so. This report was given to the judge and the sentence he handed down was based on this report along with verbal testimony given at the sentencing and on information from previous court proceedings.

This pre-sentencing report is made available to the Judge; to the prosecuting attorney; to the defense attorney and to the defendant; but it is withheld from the victim. I was told that this is a sealed document and could be released to me only by orders of the judge after the sentencing had taken place.

The judge denied our request for release of this information. In the judge's comments regarding the denial he indicated he wished to spare us further pain and we should cherish the good memories.

What could be in this report that could possible cause us any more pain then we have already been through? Why should someone else decide what we can or cannot know about this crime that has destroyed our lives?

Only Mr. Connor's assurance that he would willingly release the report to me if he could legally do so keeps me from imagining that there must be something terrible contained within it. Why can the defendant see this but not the victim?

I hope that by letting you see a glimpse of our pain, and what we have endured you will have gained some insight into part of what a victim goes through, and that you will give careful consideration to this proposed legislation.

Thank you,

*Marian Stevenson*  
Marian Stevenson

JAN 11 1995  
4  
3/1/95  
1+B 69

**DEPARTMENT OF JUSTICE  
MONTANA BOARD OF CRIME CONTROL  
House Bill 69: Victims' Rights**

Purpose

- To provide victims of crime with better access to information about the criminal justice system and the proceedings involved in the case
- To require consideration of the victim's interest by the courts and the parole board at critical stages in the proceedings
- To require payment of restitution whenever the victim has incurred monetary loss and the offender has the ability to contribute something to the payment of restitution

Background

Montana law currently provides for services and compensation to victims of crime, and allows a court to order restitution in some cases. However, the criminal procedure code does not expressly recognize that the protection of crime victims is part of the correctional policy of the state, and restitution is limited to cases in which a deferred or suspended sentence is imposed. Our laws governing the treatment of crime victims are good, but experience has shown room for improvement.

Provisions

► *Access to Information:*

Requires notice to victims of felony and violent misdemeanor offenses of:

- name and phone number of prosecutor and investigating officer
- the process for obtaining a protective order from a court
- the crime charged
- date, time, and location of all court proceedings
- appeal or post-conviction proceedings pursued by the offender
- release, escape, parole, pardon or death of the offender

Allows the prosecutor to discuss with the victim investigative information and contents of the presentence investigation report.

Requires that victim be allowed to attend pretrial proceedings that are closed to the public unless exclusion of the victim is necessary to protect the fairness of the trial or the victim's safety.

► *Consideration of Victim's Interest:*

Recognizes protection of victim and restoration of victim's losses as part of the correctional policy of the state.

Clarifies that victim impact statements must be allowed:

- by the sentencing judge at time of sentencing
- by the sentencing judge in death penalty sentencing hearings
- by the parole board when considering an offender's parole eligibility
- by the court or parole board when considering an offender's request to reduce or waive restitution

Requires consideration of the protection of the victim:

- by the court when imposing restrictions on an offender as part of the sentence
- by the court before allowing a sex offender who assaulted a child to be treated in a community setting
- by the court before ordering conditional discharge of a probationer from supervision before expiration of the sentence
- by the parole board before ordering conditional discharge of a parolee from supervision before expiration of the sentence

Prohibits an employer from discharging a victim or a member of the victim's family for participating in criminal proceedings at the prosecutor's request.

► *Payment of Restitution:*

Requires that restitution be imposed as a condition of any sentence if the victim has sustained pecuniary loss; allows the court to impose community service if, due to circumstances beyond the offender's control, the offender is unable to pay.

Allows restitution orders to be enforced during the lifetime of the offender.

Allows restitution to be satisfied by:

- forfeiture of the offender's assets
- return of property to the victim
- payment of up to 1/3 of prison earnings
- services provided to the victim or other designated person (with victim's consent)

Requires that restitution be imposed as a condition of parole if part of the original sentence.

Requires allocation of payments made by the offender to give first priority to restitution:

- 50% of all money collected from the offender is applied toward restitution until fully paid
- the other 50% is applied toward other fines and costs ordered by the court

► *Victims' Compensation:*

Increases allowable funeral and burial benefits to \$3,500

Increases benefit to secondary victim for mental health treatment to \$2,000

DATE 3-1-95

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: HB69 ; HB46 ; HB179 ;  
HB177

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Check One

Name	Representing	Bill No.	Support	Oppose
GENE KISER	MBCC	HB69	✓	
John Connor	Mont County Attys Assn	HB46 HB69	✓	
John Connor	" " " "	HB177 HB179	✓	
TIM OBERDORFER	Post Council	HB 69	✓	
MARIAN STEVENSON	SELF	HB 69	✓	
Sharon Stevenson	SELF	HB69	✓	
JANE BERNARD	I.C.C.W	HB69	✓	
KATHY McGOWAN	MSPOA	46, 69, 177	✓	
Matthew Cole	Friendship Ctr of Lemo	HB 69	✓	
Tim BERGSTROM	MT ST. FIREMENS ASSOC	HB 46	✓	
Randy Vogel	3rd Police Dept	HB 46	✓	
James Langston	Bigs Fire Dept	HB46	✓	
Paul Barber	Billings Fire	HB46	✓	
Daniel M. Hall	City of Helena	HB 177		✓

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE \_\_\_\_\_

SENATE COMMITTEE ON \_\_\_\_\_

BILLS BEING HEARD TODAY: \_\_\_\_\_

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Check One

Name	Representing	Bill No.	Support	Oppose
H.A. BOAN	SUPREME COURT	HB 177		✓
JAMES A LOEFFTOS	MT FIRE DIST ASSN	HB 46	✓	
Troy Mcbee	MT Police Assoc. MT. Chiefs Assoc	HB 69+46 HB 177	✓	
Bob Gilbert	MT MAGISTRATES ASSN	HB 177		✓
Doug Harkin	District Judge	177		✓
George CORN	Navajo County Atty	177	✓	
David Hemion	Mental Health Assoc	HB 169	✓	
Chas R. Yen	Sealed County attorney	HB 177	✓	
Robert Anderson	DCHS / GOV OFFICE	HB 69 HB 179	✓	
Sharon Bakken	HACEM	HB 177 HB 69	✓	
JOE ROBERTS	MT. CTY. ATTY. ASSOC.	HB 177 HB 179	✓	
James Kembel	City of Billings	HB 69		Funding Concern
Charles R. Brooks	Yellowstone County	HB 177	✓	
Gordon Morris	MALCO	HB 177	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



DATE \_\_\_\_\_

SENATE COMMITTEE ON \_\_\_\_\_

BILLS BEING HEARD TODAY: \_\_\_\_\_

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Check One

Name	Representing	Bill No.	Support	Oppose
Mike Maloney	Yellowstone Co.	177	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY