



Law and Justice Interim Committee

57th Montana Legislature

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SENATE MEMBERS

AL BISHOP
STEVE DOHERTY
DUANE GRIMES
DAN HARRINGTON
JERRY O'NEIL
GERALD PEASE

HOUSE MEMBERS

TIM CALLAHAN
GILDA CLANCY
GAIL GUTSCHE
JEFF LASZLOFFY
JIM SHOCKLEY
FRANK SMITH

COMMITTEE STAFF

DAVE BOHYER, RESEARCH DIRECTOR
VALENCIA LANE, STAFF ATTORNEY
MIKO OWA, SECRETARY

TENTATIVE AGENDA

MONDAY, JUNE 3, 2002

Room 102, State Capitol Building

- 9:30 I. Call meeting to order; roll call: Rep. Gail Gutsche, Chair
- 9:31 II. Review and approve minutes of the March 28 and 29, 2002 meeting
- 9:35 III. Update on status of settlement agreement in re *Langford et al. v. Racicot*. Ms. Beth Brenneman, Montana ACLU
- ▼ Response: Staff, Department of Corrections
 - ▼ Committee discussion
- 10:15 IV. Updates on pertinent matters
Department of Corrections
- ▼ Corrections' Concerns: Mr. Bill Slaughter, Director, Department of Corrections, or representative

BREAK

Department of Corrections: continued

- ▼ Overview of Proposed Spending Reductions for FY 2003: DOC staff
- ▼ LJIC review of DOC requests for potential legislation (2003 Session): DOC staff (See attached Sub-Agenda.)

LUNCH RECESS: Reconvene at 1:30 p.m.

- 1:30 Department of Justice
- ▼ Matters of Justice: The Honorable Mike McGrath, Attorney General, or representative
 - ▼ Overview of Proposed Spending Reductions for FY 2003: DOJ staff

BREAK

Department of Justice: continued (2:45)

- ▼ LJIC review of DOJ requests for potential legislation (2003 Session): DOC staff (See attached Sub-Agenda.)

- 4:30 Clerk of the Supreme Court (4:00)
- ▼ For the Record: The Honorable Ed Smith, Clerk of the Supreme Court, or representative
 - ▼ Overview of Proposed Spending Reductions for FY 2003: CSC staff
 - ▼ LJIC review of the Clerk's requests for potential legislation (2003 Session): CSC staff
 - ▼ Repeal 46-18-604, MCA: Requirement to report certain information on criminal cases

RECESS UNTIL 8:15 A.M. ON TUESDAY, JUNE 4, 2002

TENTATIVE AGENDA
TUESDAY, JUNE 4, 2002
Room102, State Capitol Building

- 8:15 I. Call meeting to order; roll call: Rep. Gail Gutsche, Chair
- 8:16 II. Judiciary
- ▼ Bench Remarks: The Honorable Karla M. Gray, Chief Justice, or representative
 - ▼ Update on the activities of the District Court Council (SB 176): Chief Justice Gray, Chairman, or representative
 - ▼ Overview of Proposed Spending Reductions for FY 2003: Judiciary staff

BREAK

Judiciary--continued

- ▼ LJIC review of the Judiciary's requests for potential legislation (2003 Session): Chief Justice Gray, or representative (See attached Sub-Agenda.)
- 10:45 III. Proposed statutory revisions: Greg Petesch, Code Commissioner
Pursuant to tradition, the Code Commissioner will present to the LJIC proposed revisions to the MCA that affect or result from actions of the Department of Corrections, the Department of Justice, the Attorney General, the Judiciary, etc. (See attached Sub-Agenda.)
- 11:15 IV. Board of Crime Control
- ▼ Overview of Proposed Spending Reductions for FY 2003: BCC staff
 - ▼ LJIC review of the BCC's requests for potential legislation (2003 Session): Jim Oppedahl, BCC Executive Director, or representative (See attached Sub-Agenda.)

LUNCH RECESS: Reconvene at 1:30 p.m.

- 1:31 V. Montana law on correctional and sentencing policy: Article II, section 28, of the Montana Constitution, and 46-18-101, MCA. -- Action item
- ▼ Review law and policy language: Dave Bohyer, LSD Research Director
 - ▼ Committee discussion, including proposals for revision (if any).
- 2:00 VI. Member issues -- Action item(s)
- ▼ Chairman Gutsche: Issues remaining regarding sentencing and treatment of criminals who have a mental illness and sentencing and treatment of mental patients who have committed serious crimes.
 - ☞ Senator Don Hargrove: Potential opportunities to establish a joint, state-local "re-entry" facility for certain types of offenders.
 - ▼ Rep. Laszloffy: Issues associated with recovery of court-ordered restitution to victims of crime
 - ☞ Diana L. Koch, DOC and Steve Hollingshead, Billings
 - ▼ LJIC members: Issues from the joint meetings of Mental Health Managed Care Subcommittee and the Children, Families, Health and Human Services Interim Committee
 - ▼ Other member item(s).



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TENTATIVE SUB-AGENDAS FOR REVIEW OF POTENTIAL AGENCY-REQUESTED LEGISLATION

MONDAY, JUNE 3, 2002
Room102, State Capitol Building

- ~ 11:15 Department of Corrections
 - ☎ 7 requests for proposed legislation
 - ☎ Other initiatives
- ~ 2:00 Department of Justice
 - ▼ 36 requests for proposed legislation
 - ▼ Other initiatives
- ~ 4:45 Clerk of the Supreme Court
 - ▼ Repeal 46-18-604, MCA: Report certain information on felony cases
 - ▼ Other initiatives

TUESDAY, JUNE 4, 2002
Room102, State Capitol Building

- ~ 10:30 Judiciary
 - ▼ 3-1-317, MCA: Make permanent the surcharge for court automation
 - ▼ SB 176 (2001) clean-up and housekeeping
 - ▼ SB 176 (2001), Section 62, proposal(s) to enumerate specific expenses in re district court expenses
 - ▼ Other initiatives
- ~ 11:00 Code Commissioner
 - ▼ LC 6001: Amend 46-16-105, MCA -- *nolo contendere* pleas
 - ▼ LC 6002: Clarify parent liability for tortious action of minor child
 - ▼ LC 6003: Amend 27-1-221, MCA -- eliminating unanimity requirement in punitive damage award
 - ▼ LC 6004: Amend 46-18-201, MCA -- allow restitution as condition of suspended sentence
 - ▼ LC 6005: Amend 25-9-302, MCA -- effect of lien when filing a transcript of judgment
 - ▼ Other initiatives
- ~ 11:20 Board of Crime Control
 - ▼ 4 requests for proposed legislation
- ~ 1:30 LJIC Member Items
 - ▼ Rep. Gutsche: Sentencing/treatment of mentally impaired who commit crimes
 - ▼ Rep. Laszloffy: Recovery of court-ordered restitution

- ▼ LJIC members: Recommendations resulting from HJR 1 SubC & CFHHS join meeting
- ▼ Other initiatives