



Law and Justice Interim Committee

63rd Montana Legislature

SENATE MEMBERS

TERRY MURPHY--Vice Chair
SHANNON AUGARE
SCOTT BOULANGER
ROBYN DRISCOLL
LARRY JENT
SCOTT SALES

HOUSE MEMBERS

MARGARET (MARGIE) MACDONALD--
JENNY ECK
ELLIE BOLDMAN HILL
SARAH LASZLOFFY
STEVE LAVIN
DENNIS LENZ

COMMITTEE STAFF

RACHEL WEISS, Lead Staff
JULIANNE BURKHARDT, Staff Attorney
JOY LEWIS, Secretary

MINUTES LOG

Law and Justice Interim Committee Meeting Room 102, Capitol Building February 14, 2014

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

REP. MARGARET (MARGIE) MACDONALD, Chair
SEN. TERRY MURPHY, Vice Chair

SEN. SCOTT BOULANGER
SEN. ROBYN DRISCOLL
SEN. LARRY JENT
SEN. SCOTT SALES

REP. JENNY ECK
REP. ELLIE BOLDMAN HILL
REP. DENNIS LENZ

COMMITTEE MEMBERS EXCUSED

REP. SARAH LASZLOFFY
SEN. SHANNON AUGARE
REP. STEVE LAVIN

STAFF PRESENT

RACHEL WEISS, Lead Staff
JULIANNE BURKHARDT, Staff Attorney
JOY LEWIS, Secretary

AGENDA & VISITORS' LIST

Agenda ([Attachment #1](#))
Visitors' list ([Attachment #2](#))

COMMITTEE ACTION

None taken

CALL TO ORDER AND ROLL CALL

00:00:01 Representative Margie MacDonald, Presiding Officer, called the meeting to order at 8:10 a.m. The secretary took the roll call. Rep. Laszloffy, Rep. Lavin and Sen. Augare were excused. Roll call, ([Attachment #3](#)) Rep. MacDonald encouraged members to review the Minutes Logs for July 10, 2013, and September 19 & 20, 2013.

OVERVIEW OF AGENDA

00:01:46 Rachel Weiss, Research Analyst, explained that the committee would spend most of the day hearing about and discussing SJ3 topics. She referenced "Profiting From Probation" ([Exhibit 1](#)) and "SJ3 Public Comment and Board Responses" ([Exhibit 2](#)).

AGENCY OVERSIGHT: DEPARTMENT OF CORRECTIONS UPDATE

00:02:38 Director Mike Batista gave an update and overview of the Department of Corrections. He discussed their work with the Pew Trust organization, DOC commit opportunities, the overall increase in crime statewide, and the challenges that have developed with that increase. He talked about the over-population in the prisons with Native American prisoners. He commended Rep. MacDonald for her work on HB 68.

Committee Questions

00:27:16 Sen. Murphy - Mr. Batista
00:29:11 Ms. Pam Bunke, Administrator of Adult Community Corrections Division, DOC
00:29:48 Sen. Murphy
00:30:51 Ms. Bunke
00:31:25 Rep. MacDonald - Mr. Batista

AGENCY OVERSIGHT: BOARD OF PARDONS AND PAROLE

00:35:03 Fern Osler Johnson, Executive Director of the Parole Board, gave an agency overview. She addressed questions from the prior day's meeting on February 13, and from December 2013 and Rep. Eck's question in particular.

Committee Questions

00:54:48 Sen. Driscoll referenced a letter from Patricia Swan-Smith ([Exhibit 3](#)).
00:56:35 Ms. Johnson
00:57:19 Sen. Jent

00:57:56 Ms. Johnson
00:58:44 Rep. Hill
01:01:13 Ms. Johnson
01:01:33 Rep. MacDonald
01:01:34 Sen. Jent - Ms. Johnson
01:04:53 Rep. MacDonald
01:05:14 Ms. Johnson

SJ 3 STUDY: RISK AND NEEDS ASSESSMENTS IN MONTANA CORRECTIONS

Panel Introductions

01:06:45 Sam Casey, Reentry Manager for Department of Corrections.
01:07:13 Rob Kersch, Information Technology Business Analyst for Department of Corrections.
01:07:26 Ms. Johnson, Executive Director of the Montana Parole Board.

01:07:33 Mr. Casey gave a history of the Montana Offender Reentry Risk Assessment (MORRA) and the Woman's Risk and Needs Assessment (WRNA). **(Exhibit 4)**

01:12:19 Mr. Kersch continued the overview of MORRA and WRNA assessments and recidivism rates. **(Exhibit 4)**

01:21:57 Mr. Casey discussed static and dynamic criminogenic domains, recidivism risk and supervision levels, and implementation and training. **(Exhibit 4)**

Committee Questions

01:31:38 Rep. MacDonald - Mr. Casey

01:32:53 Ms. Johnson referenced the "Risk Assessment Overview". **(Exhibit 5)**

BREAK

01:59:04 Rep. MacDonald reconvened the meeting at 10:02 a.m.

SJ 3 STUDY: CONDITIONS OF PAROLE

01:59:16 Pam Bunke, Administrator of Adult Community Corrections Division, DOC, gave an overview of conditions and procedures for parole and probation. **(Exhibit 6)**

Committee Questions

02:41:06 Sen. Driscoll
02:41:15 Ms. Bunke
02:41:23 Ms. Johnson
02:41:49 Rep. Hill
02:44:45 Ms. Bunke
02:46:42 Rep. Eck - Ms. Bunke
02:47:41 Rep. Hill
02:48:44 Rep. MacDonald - Ms. Bunke
02:55:04 Sen. Murphy

02:55:42 Ms. Bunke
02:56:51 Sen. Boulanger
02:57:18 Ms. Bunke - Sen. Boulanger
02:58:00 Ms. Johnson

02:58:30 Ms. Johnson spoke about conditions of release. [\(Exhibit 7\)](#)

Committee Questions

03:08:54 Sen. Boulanger
03:09:52 Ms. Johnson

SJ 3 STUDY: LOCAL SCREENING COMMITTEE PROCESS FOR PRE-RELEASE

03:10:44 Amy Tenney, Chief Operations Officer, Boyd Andrew Community Services (Helena Pre-Release Center), gave an overview of the local screening process for the pre-release center.

03:18:35 Annette Carter, Probation & Parole Officer II, DOC Front Line Supervisor, talked about her role as a liaison for the pre-release center. She sits on the screening committee and works directly with the pre-release candidates.

Committee Questions

03:20:24 Rep. MacDonald
03:20:41 Ms. Tenney

LUNCH

04:30:17 Rep. MacDonald reconvened the meeting at 12:33 p.m.

SJ 3 STUDY: FOLLOW-UP ON COMMITTEE QUESTIONS FROM DECEMBER

04:30:49 Ms. Weiss discussed recording parole board hearings and bill draft topics. [\(Exhibit 8\)](#) [\(Exhibit 9\)](#)

Committee Questions

04:34:44 Sen. Driscoll
04:35:00 Ms. Weiss
04:35:21 Rep. MacDonald
04:35:57 Ms. Weiss
04:36:57 Rep. MacDonald
04:37:07 Ms. Weiss

04:38:14 Ms. Weiss discussed the 1990 Criminal Justices Advisory Council report. This report is available on the website. She referenced her background paper. [\(Exhibit 10\)](#)

Committee Questions

04:41:53 Sen. Driscoll
04:42:23 Sen. Jent

04:43:08 Rep. MacDonald

04:44:22 Ms. Weiss reviewed certificates of rehabilitation. [\(Exhibit 11\)](#)

Committee Questions

04:46:46 Rep. MacDonald

04:47:33 Ms. Weiss discussed the good time repeal process. [\(Exhibit 12\)](#), [\(Exhibit 13\)](#), [\(Exhibit 14\)](#)

Committee Questions

There were none.

04:52:32 Julianne Burkhardt, staff attorney, reviewed the administrative rules of the Board and considerations for modifying the current MAPA exclusion. [\(Exhibit 15\)](#) [\(Exhibit 16\)](#)

Committee Questions

04:55:46 Rep. MacDonald

04:56:01 Ms. Burkhardt

04:56:31 Sen. Jent - Ms. Burkhardt

PUBLIC COMMENT ON THE SJ 3 STUDY OF BOARD OF PARDONS AND PAROLE

05:00:18 Julie Langaker read a letter from Patricia Swan-Smith. [\(Exhibit 3\)](#)

05:07:50 Joy Wellington, wife of Clive Kinlock, commented on Mr. Kinlock's parole denial. She provided the committee with written testimony. [\(Exhibit 17\)](#)

05:09:30 Dr. Gary Mihelish advocates for mental health patients and NAMI. He served on the Department of Corrections Re-entry Task Force and has attended parole board meetings at the Montana State Hospital at the invitation of Ms. Johnson. He discussed his concerns and considerations with mental health diagnoses and overcrowding at both the Montana State Hospital and at the prisons.

05:20:17 Steve Cape, representing the "Montana Coalition for Safety and Justice," discussed a Pew Charitable Trust Report on the impact of parole in New Jersey. He provided the committee with written testimony. [\(Exhibit 18\)](#)

05:29:33 Mark Murphy, representing the Montana County Attorney's Association, commented on mental health problems and parole issues.

05:41:46 Chuck Watson, lawyer from Bozeman, provided the committee with written testimony. [\(Exhibit 19\)](#) He advocated for good solid judicial oversight of the parole Board.

05:47:55 Pat Keim representing Alternatives Inc., a local community-based nonprofit provider of pre-release and counseling services in the Billings area, commented on the handling of pre-release services. He described the process Alternatives

Inc. uses to accept people into their program.

Committee Questions

05:52:02 Rep. Hill - Mr. Murphy
05:54:32 Rep. Hill
05:56:09 Mr. Watson
05:56:53 Rep. Hill - Mr. Watson
06:00:22 Sen. Murphy - Mr. Murphy
06:05:29 Rep. MacDonald
06:06:28 Dr. Mihelish

PUBLIC COMMENT

06:11:18 Patti Jacques asked the committee to look at the "transfer law" that allows facilities to accept inmates without providing the appropriate level of mental health care for them.

06:15:22 Jim Smith, representing the Montana County Attorneys' Association, thanked the committee for their in-depth and informative discussions during the 2-day meeting. He said that funding issues are going to be the priority for the upcoming 2015 session.

06:22:13 Matt Kuntz, Executive Director for NAMI, Montana, thanked the committee again for their time. He asked the committee to do their homework on the HJ 16 study on state institutions and give it their full attention.

06:23:51 Mark Murphy addressed a question that concerned forensic statutes.

Committee Questions

06:26:32 Rep. Eck - Mr. Smith
06:27:17 Rep. MacDonald - Mr. Smith

COMMITTEE WORK SESSION

06:29:00 Ms. Weiss - Rep. MacDonald
06:29:42 Sen. Jent - Rep MacDonald
06:32:46 Ms. Burkhardt
06:33:51 Sen. Jent
06:35:08 Sen. Murphy
06:36:42 Sen. Jent - Ms. Burkhardt
06:41:28 Sen. Murphy
06:42:27 Rep. MacDonald
06:42:33 Ms. Weiss
06:44:03 Sen. Jent - Ms. Weiss
06:45:05 Rep. Hill - Sen. Jent
06:49:00 Ms. Weiss
06:51:09 Sen. Jent
06:52:36 Rep. MacDonald
06:53:24 Rep. Eck
06:54:01 Rep. Lenz

06:55:29 Rep. MacDonald
06:56:12 Ms. Weiss
06:56:31 Rep. MacDonald
06:56:38 Sen. Jent - Ms. Weiss
06:57:59 Rep. MacDonald - Ms. Weiss
07:00:49 Rep. Hill
07:01:04 Rep. MacDonald
07:01:35 Sen. Driscoll
07:02:04 Rep. MacDonald
07:02:40 Ms. Weiss - Rep. MacDonald

ADJOURNMENT

07:04:55 Rep. MacDonald adjourned the meeting at 3:08 p.m.