

HOUSE BILL NO. 369

INTRODUCED BY R. LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL JUSTICE LAWS; CREATING A CRIMINAL JUSTICE OVERSIGHT COUNCIL; PROVIDING FOR APPOINTMENT OF MEMBERS; PROVIDING FOR COUNCIL DUTIES; REQUIRING THE DEPARTMENT OF CORRECTIONS TO PROVIDE CLERICAL AND ADMINISTRATIVE SERVICES TO THE COUNCIL; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Montana criminal justice oversight council -- duties -- membership.

(1) There is a Montana criminal justice oversight council. The council consists of 16 members as follows:

(a) (i) two members of the house of representatives, one selected by the speaker of the house and one by the house minority leader; and

(ii) two members of the senate, one selected by the president of the senate and one selected by the senate minority leader;

(b) one district court judge selected by the chief justice of the Montana supreme court;

(c) the director and the deputy director of the department of corrections;

(d) a county sheriff and a county attorney appointed by the attorney general; and

(e) the following individuals appointed by the governor:

(i) a member of a state-recognized or federally recognized Indian tribe located within the boundaries of the state of Montana who has expertise in criminal justice;

(ii) one member of the board of pardons and parole;

(iii) one member who represents the office of state public defender;

(iv) one representative of crime victims;

(v) one representative of civil rights advocates; and

(vi) two representatives of community corrections providers, one of whom must represent a treatment facility and one of whom must represent a prerelease center.

(2) The department of corrections shall provide clerical and administrative staff services to the council.

(3) The council shall elect a presiding officer.

- 1 (4) The council shall:
- 2 (a) review the recommendations of the commission on sentencing established in Chapter 343, Laws of
3 2015;
- 4 (b) receive and analyze data collected by agencies and entities charged with implementing the
5 recommendations of the commission on sentencing and that are collecting data during the implementation and
6 management of specific recommendations;
- 7 (c) assess outcomes from the recommendations the commission on sentencing has made and
8 corresponding criminal justice reforms; and
- 9 (d) request, receive, and review data and report on performance outcome data relating to criminal justice
10 reform.
- 11 (5) Data evaluation performed by the council must:
- 12 (a) assess the current electronic records utilized by criminal justice agencies;
- 13 (b) review and list all variables collected in each agency's information management system;
- 14 (c) establish a baseline for historical data comparisons;
- 15 (d) determine whether data is linked to specific offenders through a unique identifying factor;
- 16 (e) review archival data and agencies' data retention policies;
- 17 (f) determine whether presentence investigation reports are completed electronically in the department
18 of corrections' case management system within established statutory timelines;
- 19 (g) review any established data protocols for pretrial services;
- 20 (h) assess if the data collected or recommended to be collected on offenders and programs will provide
21 criminal justice agencies, the legislature, and the public adequate information to determine whether correctional
22 programs produce standardized outcomes across the state and are an efficient use of state resources; and
- 23 (i) review and suggest improvements for behavioral health screening instruments and other screening
24 instruments as needed to ensure the integrity of data that is captured in criminal justice agencies' information
25 management systems.
- 26 (6) The council shall examine the feasibility of creating and maintaining a public portal through which
27 criminal justice data can be accessed, including data on court case filings, correctional populations, and historical
28 and legacy data sets.
- 29 (7) The council shall submit by September 1 of each even-numbered year a biennial report to the
30 governor and legislature, as provided in 5-11-210. The report must include:

- 1 (a) a description of the council's proceedings since the previous report;
- 2 (b) a summary of savings from criminal justice reforms and recommendations for how the savings should
3 be reinvested to reduce recidivism;
- 4 (c) a description of performance measures and outcomes related to criminal justice reforms; and
- 5 (d) a narrative of the council's progress on establishing data collection and uniformity standards and any
6 changes that have been implemented as a result of the council's work.

7 (8) The council may appoint a working group to track any legislation resulting from criminal justice
8 reforms and to perform other detailed analysis as directed by the council. If appointed, the working group shall
9 meet regularly and report to the council as the council requires. The working group may include representatives
10 of criminal justice agencies and key constituencies that are not members of the council.

11 (9) Using the process established in legislative rules for executive agency legislative requests, the
12 council may request legislation to enact changes to the state's criminal justice system that the council finds
13 necessary.

14 (10) The judicial branch, the department of corrections, the department of public health and human
15 services, the board of pardons and parole, and the legislative services and fiscal divisions shall provide data and
16 information as requested by the council.

17 (11) Appointments made under subsection (1) must be made within 60 days after [the effective date of
18 this act]. A vacancy on the council must be filled in the manner of the original appointment.

19 (12) Council members must be reimbursed for travel expenses as provided in 2-18-501 through 2-18-503.
20 Members of the council who are full-time salaried officers or employees of this state or any political subdivision
21 are entitled to their regular compensation. Legislative members must be compensated as provided in 5-2-302.

22 (13) The council shall report to the law and justice interim committee and the legislative finance
23 committee as requested.

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25 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a
26 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
27 Chippewa tribe.

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29 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
30 integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 1].

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2 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2019.

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