

1 SENATE BILL NO. 162  
2 INTRODUCED BY B. USHER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE CRIMINAL  
5 JUSTICE OVERSIGHT COUNCIL; EXPANDING THE TYPES OF LOCAL COURT JUDGES WHO MAY BE  
6 APPOINTED TO THE COUNCIL; DIRECTING THE CODE COMMISSIONER TO RECODIFY THE STATUTE  
7 ENACTING THE COUNCIL; AMENDING SECTION 53-1-216, MCA; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE."

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

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12 **Section 1.** Section 53-1-216, MCA, is amended to read:

13 **"53-1-216. Montana criminal justice oversight council -- duties -- membership.** (1) (a) There is a  
14 Montana criminal justice oversight council. The council consists of 18 members as follows:

- 15 (i) two members of the house of representatives, one selected by the speaker of the house and  
16 one selected by the house minority leader; and
- 17 (ii) two members of the senate, one selected by the president of the senate and one selected by  
18 the senate minority leader;
- 19 (iii) one district court judge and one ~~municipal court judge~~ who presides over a city or municipal  
20 court or who is a justice of the peace, both of whom must be selected by the chief justice of the Montana  
21 supreme court;
- 22 (iv) the attorney general or the attorney general's designee;
- 23 (v) the director of the department of corrections;
- 24 (vi) the director of the office of state public defender;
- 25 (vii) the director of the department of public health and human services;
- 26 (viii) a county sheriff and a county attorney appointed by the attorney general; and
- 27 (ix) the following individuals appointed by the governor:  
28 (A) one member of a federally recognized Indian tribe located within the boundaries of the state of

1 Montana who has expertise in criminal justice;

2 (B) one member of the board of pardons and parole;

3 (C) one representative of crime victims who also serves on the board of crime control established  
4 in 2-15-2008;

5 (D) one representative of civil rights advocates; and

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

8 (b) When appointing members as required in subsection (1)(a), the governor and attorney general  
9 shall consider appointing individuals who also serve on the board of crime control established in 2-15-2008.

10 (2) The legislative services division shall provide clerical and administrative staff services to the  
11 council.

12 (3) The council shall elect a presiding officer, who must be a legislator.

13 (4) The council shall:

14 (a) provide direction and recommendations to the board of crime control regarding data to be  
15 included in the criminal justice data warehouse established in 44-7-126 and policies to govern the use of and  
16 priorities for the criminal justice data warehouse;

17 (b) study and recommend solutions to address issues facing the criminal justice system and its  
18 constituent state and local agencies;

19 (c) monitor the functioning of the criminal justice system; and

20 (d) make recommendations to the legislature to address system issues proactively, manage limited  
21 resources, improve workloads, make improvements to state and local criminal justice systems, meaningfully  
22 address crime, and enhance public safety.

23 (5) The council shall submit a report to the governor and legislature, ~~as provided in accordance~~  
24 with 5-11-210. The report must include a description of the council's proceedings since the previous report.

25 (6) The council may request legislation to enact changes to the state's criminal justice system that  
26 the council finds necessary.

27 (7) The judicial branch, the department of corrections, the department of public health and human  
28 services, the board of pardons and parole, and the legislative services and fiscal divisions shall provide

1 information and assistance as requested by the council.

2 (8) A vacancy on the council must be filled in the manner of the original appointment. If a vacancy  
3 on the council remains unfilled by the appropriate appointing authority for more than 60 days, the council may  
4 vote to appoint a member to serve on the council until the appropriate appointing authority makes an  
5 appointment.

6 (9) Council members must be reimbursed for travel expenses as provided in 2-18-501 through 2-  
7 18-503. Members of the council who are full-time salaried officers or employees of this state or any political  
8 subdivision are entitled to their regular compensation. Legislative members must be compensated as provided  
9 in 5-2-302.

10 (10) The council shall provide updates to the law and justice interim committee and the legislative  
11 finance committee as requested."

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13 **NEW SECTION. Section 2. Directions to code commissioner.** (1) Section 53-1-216 is intended to  
14 be renumbered and codified as an integral part of Title 5, chapter 5, part 2.

15 (2) The code commissioner is instructed to change all internal references within and to 53-1-216 in  
16 the Montana Code Annotated, including within sections enacted or amended by the 2025 legislature, to reflect  
17 the new section number assigned pursuant to this section.

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19 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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