

CREATING AN OVERSIGHT COUNCIL TO MONITOR AND REPORT ON THE EFFECTS OF  
CRIMINAL JUSTICE LEGISLATION;

**Section 3. Montana criminal justice oversight council -- duties -- membership.** (1) There is a Montana criminal justice oversight council. The council consists of 45-18 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 member selected by the chief justice of the Montana supreme court;

(c) the director of the department of corrections or the director's designee;

(d) an employee of the department of corrections selected by the director who has expertise in data collection and reporting;

(e) one member selected by the director of the department of public health and human services who has expertise in behavioral health treatment services;

(f) the executive director of the board of crime control or the director's designee;

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

(h) 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 representative of crime victims; and

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

*(v) One District Court Judge appointed by the Montana Supreme Court*

*(vi) A public defender appointed by the public defender's office*

(vii) A County Attorney

~~(2) The director of the department of corrections or the director's designee shall serve as presiding~~

officer. *The Committee shall select the chair at its first meeting.*

(3) The council shall:

(a) review the recommendations of the commission on sentencing established in Chapter 343, Laws of 2015;

(b) receive and analyze data collected by agencies and entities charged with implementing the recommendations of the commission on sentencing and that are collecting data during the implementation and management of specific recommendations, including data related to the programs established in [sections 1 and 2];

(c) assess outcomes from the recommendations the commission on sentencing has made and corresponding criminal justice reforms;

(d) request, receive, and review data and report on performance outcome data relating to criminal justice reform; and

(e) receive reports required by [section 4] to be produced by the department of corrections.

(4) Data evaluation performed by the council must:

(a) assess the current electronic records utilized by criminal justice agencies;

(b) review and list all variables collected in each agency's information management system;

(c) establish a baseline for historical data comparisons;

(d) determine whether data is linked to specific offenders through a unique identifying factor;

(e) review archival data and agencies' data retention policies;

(f) determine whether presentence investigation reports are completed electronically in the department of corrections' case management system within established statutory timelines;

(g) review any established data protocols for pretrial services;

(h) assess if the data collected or recommended to be collected on offenders and programs will provide criminal justice agencies, the legislature, and the public adequate information to determine whether correctional programs produce standardized outcomes across the state and are an efficient use of state resources; and

(i) review and suggest improvements for behavioral health screening instruments and other screening instruments as needed to ensure the integrity of data that is captured in criminal justice agencies' information management systems.

(5) The council shall examine the feasibility of creating and maintaining a public portal through which

criminal justice data can be accessed, including data on court case filings, correctional populations, and historical and legacy data sets.

(6) The council shall submit by September 1 of each even-numbered year a biennial report to the governor and legislature, as provided in 5-11-210. The report must include:

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

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

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

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

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

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

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

**Section 4. Department of corrections to report on criminal justice reinvestment legislation impacts.** In addition to any data or reports required by the Montana criminal justice oversight council pursuant

to [section 3], the department of corrections shall:

- (1) submit an annual report to the Montana criminal justice oversight council by August 15 of each year.

The report must include:

- (a) the impact of any legislation related to recommendations from the commission on sentencing established in Chapter 343, Laws of 2015;

- (b) the extent to which the department has established and met implementation goals and projections concerning the prison population, recidivism rate, and other key public safety metrics; and

- (c) the results of initial and ongoing program evaluations that the department is required by [section 6] to conduct, including any identified program deficiencies and the department's plan to correct those deficiencies.

- (2) report to the legislature by January 1 of each year on the amount of savings generated and on the prison population impact under any legislation resulting from the recommendations of the commission on sentencing established in Chapter 343, Laws of 2015, for the purpose of tracking the progress toward meeting the impact estimates and goals of the legislation.

**Section 16. Termination.** ~~[Sections 3 and 4] terminate June 30, 2019.~~

- END -

I hereby certify that the within bill,  
SB 0059, originated in the Senate.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

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Secretary of the Senate

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

SENATE BILL NO. 59

INTRODUCED BY C. WOLKEN

BY REQUEST OF THE COMMISSION ON SENTENCING

AN ACT GENERALLY REVISING CRIMINAL JUSTICE LAWS; REQUIRING THE OFFICE OF COURT ADMINISTRATOR TO CREATE A PRETRIAL PROGRAM; REQUIRING THE BOARD OF CRIME CONTROL TO CREATE A PROSECUTION DIVERSION GRANT PROGRAM; GRANTING THE BOARD RULEMAKING AUTHORITY TO ADMINISTER THE PROSECUTION DIVERSION PROGRAM; ALLOWING A COURT TO USE INFORMATION FROM A PRETRIAL RISK ASSESSMENT TOOL WHEN DETERMINING WHETHER A DEFENDANT SHOULD BE RELEASED OR DETAINED; CREATING AN OVERSIGHT COUNCIL TO MONITOR AND REPORT ON THE EFFECTS OF CRIMINAL JUSTICE LEGISLATION; REQUIRING THE QUALITY ASSURANCE UNIT OF THE DEPARTMENT OF CORRECTIONS TO ADOPT AN EVALUATION TOOL AND CONDUCT PROGRAM EVALUATIONS; REQUIRING THE DEPARTMENT TO ADOPT AND MAINTAIN AN INCENTIVES AND INTERVENTIONS GRID TO GUIDE COMMUNITY SUPERVISION OF OFFENDERS; REQUIRING THE COLLECTION OF CERTAIN DATA AND THE PROVISION OF CERTAIN REPORTS; ELIMINATING THE REQUIREMENT THAT A JUDGE OR JUSTICE OF THE PEACE REPORT DRUG USERS TO THE COUNTY ATTORNEY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 3-1-702 AND 46-9-109, MCA; REPEALING SECTION 46-9-203, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.