

SENATE BILL NO. 224

INTRODUCED BY C. WOLKEN, K. HANSEN, A. KNUDSEN, N. SWANDAL

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COMMISSION ON SENTENCING TO STUDY SENTENCING PRACTICES AND POLICIES; PROVIDING FOR THE SUBMISSION OF RECOMMENDATIONS TO THE LEGISLATURE BY THE COMMISSION; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE DATES AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Commission on sentencing. (1) There is a commission on sentencing.

The commission is allocated to the ~~department of corrections~~ LEGISLATIVE SERVICES DIVISION for STAFFING SERVICES AND administrative purposes only, ~~as provided in 2-15-121.~~

(2) The commission consists of:

(a) two members of the house of representatives, selected by the speaker of the house of representatives, no more than one of whom may be from the same political party;

(b) two members of the senate, selected by the president of the senate, no more than one of whom may be from the same political party;

(c) ~~two~~ ONE district court ~~judges~~ JUDGE selected by the chief justice of the Montana supreme court;

(d) the director of the department of corrections or the director's designee; ~~and~~

(e) the following individuals appointed by the ~~governor~~ ATTORNEY GENERAL:

(i) a county attorney;

(ii) a PRIVATE criminal defense attorney;

~~(iii) a probation and parole officer;~~

(III) A PROBATION AND PAROLE OFFICER;

~~(iv)(iii)(IV)~~ a county sheriff OR CHIEF OF POLICE; AND

~~(v) a chief of police;~~

~~(vi) a member of the board of pardons and parole;~~

~~(vii)(iv)(V)~~ an employee of the department of justice;

~~(viii)(v)(F)~~ an employee of the office of state public defender APPOINTED BY THE CHIEF PUBLIC DEFENDER;



1 and

2 ~~(ix)(vi)(G) seven~~ TWO THREE members of the public, ~~including~~ TO BE SELECTED BY THE GOVERNOR FROM
3 THE FOLLOWING LIST:

4 ~~(A)(i)~~ a representative of crime victims;

5 ~~(B)(ii)~~ a representative of faith-based organizations that assist in reentry or corrections programming;

6 ~~(C)(iii)~~ a representative of community businesses;

7 ~~(D)(iv)~~ a representative of an organization that provides mental health services;

8 ~~(E)(v)~~ a representative of an organization that advocates on behalf of indigent people; AND

9 ~~(F)(vi)~~ a formerly incarcerated person or family member of a current or former inmate; ~~and~~

10 ~~— (G) an enrolled member of a state-recognized or federally recognized Indian tribe located within the~~
11 ~~boundaries of the state of Montana.~~

12 (3) AT LEAST TWO MEMBERS OF THE COMMISSION MUST BE ENROLLED MEMBERS OF A STATE-RECOGNIZED OR
13 FEDERALLY RECOGNIZED INDIAN TRIBE LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA.

14 ~~(3)(4)~~ Appointments under subsection (2) must be made within 60 days after [the effective date of this
15 act].

16 ~~(4)(5)~~ The commission shall select a presiding officer from its members.

17 ~~(5)(6)~~ The commission shall meet at least quarterly.

18 ~~(6)(7)~~ DECISIONS OF THE COMMISSION MUST BE MADE BY MAJORITY VOTE OF THE COMMISSION MEMBERS.

19 ~~(8)~~ MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION BUT MUST BE COMPENSATED AS
20 PROVIDED IN 2-15-124, AND MUST BE REIMBURSED FOR TRAVEL EXPENSES AS PROVIDED IN 2-18-501 THROUGH
21 2-18-503. MEMBERS OF THE COMMISSION WHO ARE FULL-TIME SALARIED OFFICERS OR EMPLOYEES OF THIS STATE OR
22 OF ANY POLITICAL SUBDIVISION OF THIS STATE ARE ENTITLED TO THEIR REGULAR COMPENSATION. LEGISLATOR MEMBERS
23 MUST BE COMPENSATED AS PROVIDED IN 5-2-302.

24

25 NEW SECTION. Section 2. Duties. The commission shall:

26 (1) conduct an empirical study of the impact of existing sentencing policies and practices on Montana's
27 criminal justice system, including state prison capacities, local jail and detention center capacities, community
28 supervision and parole resources, judicial operations, public defense expenditures, and law enforcement
29 responsibilities;

30 (2) identify strategies to safely reduce incarceration in state prisons and to promote evidence-based

- 1 diversion programs and other effective alternatives to incarceration;
- 2 (3) investigate the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and
- 3 cost-effective crime prevention programs;
- 4 (4) consider issues regarding disparity in the criminal justice process, including but not limited to racial
- 5 and ethnic disparity issues;
- 6 (5) identify opportunities to:
- 7 (a) streamline and simplify the criminal code; and
- 8 (b) balance sentencing practices and policies with budget constraints;
- 9 (6) prepare a report of findings and recommendations for submission to the 65th legislature, including
- 10 evidence-based analysis and data; and
- 11 (7) make a recommendation to the 65th legislature as to whether the commission should continue in
- 12 existence.

13

14 NEW SECTION. Section 3. Appropriation. THERE IS APPROPRIATED \$28,000 FROM THE GENERAL FUND

15 TO THE LEGISLATIVE SERVICES DIVISION FOR FISCAL YEARS 2016 AND 2017 FOR THE PURPOSES OF FUNDING THE

16 COMMISSION AND THE STUDY AS PROVIDED IN [SECTION 1].

17

18 NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a

19 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell

20 Chippewa tribe.

21

22 NEW SECTION. Section 5. Effective date DATES. ~~[This act]~~ (1) EXCEPT AS PROVIDED IN SUBSECTION (2),

23 [THIS ACT] is effective on passage and approval.

24 (2) [SECTION 3] IS EFFECTIVE JULY 1, 2015.

25

26 NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2017.

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