



Law and Justice Interim Committee

62nd Montana Legislature

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RESEARCH MEMORANDUM

December 14, 2011

TO: Members, Law and Justice Interim Committee

FROM: Sheri S. Scurr, Research Analyst

RE: Report on NCSL's Fall Forum
Issues for committee consideration

Introduction

The National Conference for State Legislatures (NCSL) conducts annual or semi-annual forums where NCSL's standing committees meet to learn about and discuss state-federal policy issues and adopt policy directives that guide NCSL's lobbying efforts in Washington D.C.

The standing committees are composed of legislators and legislative staff who are appointed by the leadership of their respective state legislatures. Montana's legislative members are Sen. Augare, Rep. Hill, Rep. Lavin, and Rep. Peterson. As research staff on law and justice issues for Montana, I attended NCSL's Fall Forum November 30 through December 2, 2011, sitting in on meetings of the NCSL standing committee on Law and Criminal Justice.

This memorandum offers a brief report on the topics covered in the law and justice meetings and highlights issues that may be of interest or concern to the Law and Justice Interim Committee (LJIC).

Law and justice policy directives

The standing committee's policy resolutions were consolidated into three directives in the following areas:

1. Federalism
 - a. preemption
 - b. state contracts
 - c. 5th amendment takings
 - d. grant conditions and mandates
 - e. sovereign immunity
 - f. criminal jurisdiction
 - g. courts

2. Criminal justice
 - a. federal financial assistance
 - b. sex offender registration
 - c. juvenile justice
 - d. illicit drugs
 - e. sentencing, corrections, and recidivism reduction
 - f. crime records and information
 - i. DNA records
 - ii. victims
 - iii. human trafficking
 - g. law enforcement

3. Civil justice

A full printout of the directives is attached.

Law and justice topics

The NCSL standing committee on Law and Criminal Justice received presentations and discussed state concerns on the following topics:

- recidivism reduction and justice reinvestment;
- 10th amendment states' rights;
- synthetic drug threats;
- smart phones and the 4th amendment (warrantless searches);
- Caylee's Law - reporting a missing child.
- federal legislation and implications for states;
 - sex offender registration and Adam Walsh Act
 - medical malpractice
 - appropriations providing grants to states for various justice-related programs
 - pending legislation
 - national right to carry reciprocity act
 - death in custody reporting act
 - pending U.S. Supreme Court cases
 - federal health care law
 - *Missouri v. Frye* - right to jury trial for failure to inform defendant of plead deal offer
 - *Minneci v. Pollard* - can federal inmates sue employees of private prisons

Issues of interest

The LJIC study plan could be modified if the committee would like more information about any of the above listed topics. Two issues stood out to staff as potential areas of most interest to the LJIC:

- ☞ Justice Reinvestment Initiative - federal grants for restorative justice programs? (SJR 29)
- ☞ Sex offender registration - Montana has not implemented - financial penalties?