

Commission on Sentencing Bill Drafts

For discussion on October 19, 2016

Commission Bills

The commission voted at its September 2016 meeting to request the following bills be commission bills for the 2017 Legislature. The bill draft numbers generally correspond with the number of the justice reinvestment policy option presented to the commission in September 2016. Each of these drafts will receive an LC#, which can then be used to track the bill using the LAWS bill tracking system:

[http://laws.leg.mt.gov/legprd/law0203w\\$.startup?P_SESS=20171](http://laws.leg.mt.gov/legprd/law0203w$.startup?P_SESS=20171)

COS Draft #	Short Title and Related Policy Option	Status
LCj001	<p>▶ Revising criminal justice laws</p> <p>Combines elements of two policy options:</p> <p>1. Establish the use of pretrial risk assessment tools and supervision; and</p> <p>5. Support the creation and expansion of deferred prosecution programs</p>	Amended and approved as commission bill (September 2016)
LCj002 yellow paper	<p>▶ Generally revising criminal justice laws</p> <p>Combines elements of three policy options:</p> <p>2. Revamp the presentence investigation report so that it is less time-intensive and more structured and objective and encourages the use of evidence-based practices in sentencing;</p> <p>18C. Require the Department of Corrections to regularly validate its risk assessment tool; and</p> <p>18D. Require the Department of Corrections staff to receive ongoing training in risk assessment and evidence-based practices.</p>	<p>Amended and approved as commission bill (September 2016)</p> <p>Requires further review of amendments</p>
LCj003 blue paper	<p>▶ Generally revise sentencing laws</p> <p>This bill includes multiple recommendations from the Statute Review Subcommittee.</p>	<p>Approved as commission bill (September 2016)</p> <p>Requires further review of amendments</p>

COS Draft #	Short Title and Related Policy Option	Status
LCj012	<ul style="list-style-type: none"> ▶ Requesting an interim study to explore increasing access to tribal resources for tribal members who are involved in the criminal justice system <p>12. Explore increasing access to tribal resources for tribal members who are in the state criminal justice system.</p>	Amended and approved as commission bill (September 2016)

Preliminary Bill Drafts

The bills in this table are preliminary drafts, meaning the Commission on Sentencing has not approved the language as a final draft bill. Instead, these preliminary drafts will be used to aid commission discussions and to gather public comment as the commission considers which additional bills, if any, it wishes to pursue as formal bill drafts recommended to the 2017 Legislature.

The draft numbers generally correspond with the number of the justice reinvestment policy option presented to the commission in October 2016.

COS Draft #	Short Title and Related Policy Option	Status	Action?
LCj007	<ul style="list-style-type: none"> ▶ Generally revising laws related to community corrections facilities <p>Combines elements of two policy options: 7. Focus prison and community corrections space on those who are most likely to reoffend; and 8. Require prerelease centers to deliver more intensive evidence-based programs and treatment within a shorter time period to reduce recidivism and serve more people.</p>	Preliminary draft for discussion	

COS Draft #	Short Title and Related Policy Option	Status	Action?
LCj009	<ul style="list-style-type: none"> ▶ Requiring behavioral health treatment services provided within facilities operated by or contracting with the department of corrections to be licensed by the department of public health and human services. <p>9. License and adopt evidence-based standards for treatment facilities serving people in the criminal justice system.</p>	Preliminary draft for discussion	
LCj10A	<ul style="list-style-type: none"> ▶ Providing for certification of behavioral health peer support specialists <p>10. Fund access to behavioral health treatment and programs to reduce recidivism for people on community supervision.</p>	Preliminary draft for discussion	
LCj011	<ul style="list-style-type: none"> ▶ Revising laws related to supervision of probationers and of defendants serving a deferred or suspended sentence <p>Combines elements of two policy options: 11. Focus supervision resources on people who are most likely to reoffend; and 14. Limit the term of incarceration for technical violations of conditions of probation and parole.</p>	Preliminary draft for discussion	
LCj013	<ul style="list-style-type: none"> ▶ Generally revising laws related to the board of pardons and parole <p>Combines elements of two policy options: 13. Modernize the parole board and the parole decision-making process to ensure that the board's decisions are informed, consistent, and sustainable; and 14. Limit the term of incarceration for technical violations of conditions of probation and parole.</p>	Preliminary draft for discussion	

COS Draft #	Short Title and Related Policy Option	Status	Action?
LCj015 ivory/buff paper	<ul style="list-style-type: none"> ▶ Generally revising laws regarding housing options for offenders. <p>15. Improve access to housing for people reentering the community.</p>	Preliminary draft for discussion	
LCj016	<ul style="list-style-type: none"> ▶ Generally revising the crime victims compensation act <p>16. Expand eligibility for crime victim compensation benefits.</p>	Preliminary draft for discussion	
LCj017 salmon paper	<ul style="list-style-type: none"> ▶ Generally revising batterer's intervention programs <p>17. Improve the quality of and access to batterer's intervention programs.</p>	Preliminary draft for discussion	
LCj018 grey paper	<ul style="list-style-type: none"> ▶ Generally revising criminal justice laws <p>Combines elements of four policy options: 18A. Create a centralized, interagency committee to guide and track the implementation of justice reinvestment legislation. 18B. Require the Department of Corrections to report annual data on the impact of implementing justice reinvestment legislation. 18E. Establish program standards and authorize the quality assurance unit within the Department of Corrections to evaluate state-funded programs and enforce program standards. 18F. Require that the Department of Corrections' probation and parole interventions and incentives grid follow evidence-based practices.</p>	Preliminary draft for discussion	

Bill Drafts Previously Considered by the Commission -- Not mailed or in packet

COS Draft #	Short Title and Related Policy Option	Status
LCj006	<ul style="list-style-type: none">▶ Revising drug treatment court laws <p>6. Expand eligibility criteria for problem-solving courts.</p>	The commission voted unanimously in September 2016 to support a similar draft proposed by a Judicial Branch advisory committee instead of pursuing this draft.

Last updated October 13, 2016