

# Criminal Justice Oversight Council

## 2021-2022 Annual Report

### Background and Membership

The Montana Criminal Justice Oversight Council (the council) was created by SB 59 of the 65th Montana Legislature to monitor and report on the effects of criminal justice legislation. Council members represent a broad scope of stakeholders and experts in Montana’s criminal justice system. The council reports to the governor and the Montana State Legislature; its membership and duties are codified in [53-21-216, MCA](#).

### Council Members

Rep. Barry Usher - Chair	Member of the Montana House of Representatives
Jimmy Patelis - Vice Chair	Member of the Board of Pardons and Paroles
Georgette Boggio	Member of an Indian tribe in Montana who has expertise in criminal justice
Ross Canen	County sheriff
Brian Gootkin	Director of the Department of Corrections
Rachel Guernsey	Representative of crime victims
Rep. Kathy Kelker	Member of the Montana House of Representatives
Melissa Kelly	Representative of community corrections providers (one of two)
Hon. Kurt Krueger	District court judge
Rhonda Lindquist	Representative of the Office of the State Public Defender
Sen. Ryan Lynch	Member of the Montana Senate
Keegan Medrano	Representative of civil rights advocates
Sen. Keith Regier	Member of the Montana Senate
Amy Tenney	Representative of community corrections providers (two of two)
Scott Twito	County attorney
Cynthia Wolken	Deputy Director of the Department of Corrections

### Administrative Materials

[Operating Rules and Procedures](#)

[Work Matrix](#)

### Council Topics

The availability and quality of housing for corrections-affiliated Montanans is a concern for the council. One special focus under this topic is recovery residences, also known as sober living homes. The council heard presentations from several experts, which included recovery residence operators, Deputy City Attorney of Billings Karen Tracy, Rep. Michael Curcio of Tennessee, the Department of Health and

Human Services, the National Association of Recovery Residences, and the Montana Behavioral Health Alliance. The outcome of presentations, public comment, and council discussions is [CJOC 2](#) – draft legislation adapted from the Tennessee SAFE Act and Ohio Rev. Code § 340.034.

The impacts of criminal justice reform, especially changes to sentencing laws made in 2017 by HB 133, is another council topic. At its May meeting, the council heard presentations on larceny, auto theft, and the persistent felony offender designation from county attorneys, law enforcement, and the Montana Retail Association. Retailers report an uptick in shoplifting, and staff are unable to intervene during an incident for their safety. The financial impact of car theft is double pronged: Montanans cannot get to work without transport, and replacing a stolen vehicle takes time and money. Prosecutors noted their desire for stronger sentencing laws. Four draft bills were created in response to these issues:

[CJOC 1](#), [CJOC 3](#), [CJOC 4](#), and [CJOC 5](#).

The Legislative Council assigned the Criminal Justice Oversight Council one study for the 2021-2022 interim session: House Joint Resolution No. 34 (HJ 34), a study of pretrial diversion programs and presentence diversion agreements. Court Administrator Beth McLaughlin, Judge Mary Jane Knisely, Missoula County Attorney Kirsten Pabst, and the National Conference of State Legislatures supported this study through presentations. Attached to this report is the study summary.

Examining the feasibility of a criminal justice data portal is a statutory duty of the council. The State of Montana’s Chief Information Officer, Kevin Gilbertson, and Chief Data Officer, Adam Carpenter, presented to the council in March. Several agencies need access to justice data, including the Department of Corrections, Fish, Wildlife & Parks, the Department of Health and Human Services, the Department of Transportation, the Department of Environmental Quality, and the Department of Livestock. Efforts are underway to centralize data into reportable formats, facilitate secure data sharing between agencies, convert paper records into data with AI, and create topic-specific data working groups and governance boards.

Additional concerns and topics include the availability of Level III treatment inpatient substance use disorder treatment for offenders, victim experiences with Montana’s criminal justice system, and community reentry programs. The council also drafted a sixth bill, [CJOC 6](#), which would create a pretrial diversion program for certain non-violent drug offenses.

## Council Legislation

Per 53-1-216 (9): “Using the process established in legislative rules for executive agency legislative requests, the council may request legislation to enact changes to the state's criminal justice system that the council finds necessary.” The council requests legislation through the Law and Justice Interim Committee.

The council translated concerns from the 2021-2022 meeting cycle into five draft bills:

- [CJOC 1](#): Revises sentencing laws for theft and thematically-related crimes.
- [CJOC 2](#): Addresses matters regarding recovery residences, also known as sober living homes.
- [CJOC 3](#): Creates a separate definition for persistent felony offender under supervision.
- [CJOC 4](#): Revises sentencing laws for disorderly conduct.
- [CJOC 5](#): Makes theft of a motor vehicle assessed at any value a felony.
- [CJOC 6](#): Creates a pretrial diversion program for non-violent drug offenses.

## Meeting Summaries and Materials

All meeting materials, including presentation aids and supplements, are [archived online](#).

### **September 29, 2021**

[Agenda](#) - [Summary Minutes](#) - [Audio/Visual](#)

Topics: Department of Corrections update, administrative matters

Council Action: Election of presiding officers, adoption of operating procedures

### **October 27, 2021**

[Agenda](#) - [Summary Minutes](#) - [Audio/Visual](#)

Topics: HJ 34, offender housing, Level III treatment, administrative matters

Council Action: Adoption of meeting dates

### **January 18, 2022**

[Agenda](#) - [Summary Minutes](#) - [Audio/Visual](#)

Council Topics: HJ 34, criminal justice reform, Level III treatment, administrative matters

Council Action: Adoption of work matrix

### **March 23, 2022**

[Agenda](#) - [Summary Minutes](#) - [Audio/ Video](#)

Council Topics: Recovery residences, criminal justice data portal, criminal justice reform

Council Action: Requested draft legislation to create separate definition for persistent felony offender under supervision

### **May 11, 2022**

[Agenda](#) - [Summary Minutes](#) - [Audio/ Video](#)

Council Topics: Criminal justice reform, recovery residences, legislation, Level III treatment

Council Action: First review of CJOC 3; requested draft legislation to revise sentencing laws for theft and disorderly conduct, address recovery residence matters, and make theft of a motor vehicle a felony.

### **June 28, 2022**

[Agenda](#) – [Minutes](#) – [Audio/Visual](#)

Council Topics: HJ 34, victim experiences, community reentry, legislation

Council Action: First review of CJOC 1, CJOC 2, CJOC 4, and CJOC 5; second review of CJOC 3.

### **August 30, 2022**

[Agenda](#) – [Minutes](#) – [Audio/Video](#)

Council Topics: Correctional practices, probation and parole, the Montana Incentives and Interventions Grid, victim experiences

Council Action: Second review of CJOC 1, CJOC 2, CJOC 4, and CJOC 5; third review of CJOC 3; first review of CJOC 6. Council approved CJOC 2, CJOC 3, and CJOC 4 and requested another review of CJOC 1, CJOC 5, and CJOC 6.