

HOUSE BILL NO. 313

INTRODUCED BY G. MASOLO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO DOMESTIC
5 VIOLENCE; ~~PROVIDING FOR THE QUALIFICATIONS AND CERTIFICATION OF DOMESTIC VIOLENCE~~
6 ~~COUNSELORS AND FACILITATORS~~; PROVIDING FOR INTERVENTION COUNSELING REFERRALS FOR
7 PERSONS CONVICTED OF AN ASSAULT ON A PARTNER OR FAMILY MEMBER; PROVIDING FOR
8 OFFENDER INTERVENTION ASSESSMENTS AND COUNSELING; AUTHORIZING PROTECTIVE ORDERS
9 FOR A PARTNER OR FAMILY MEMBER OF A VICTIM OF DELIBERATE HOMICIDE OR MITIGATED
10 DELIBERATE HOMICIDE; ~~CREATING ENHANCED PENALTIES FOR AN ASSAULT ON A PARTNER OR~~
11 ~~FAMILY MEMBER THAT IS COMMITTED WITHIN THE VISION OR HEARING OF A MINOR~~; CREATING
12 ENHANCED PENALTIES FOR AN ASSAULT ON A PARTNER OR FAMILY MEMBER THAT IS COMMITTED
13 WITHIN THE VISION OR HEARING OF A MINOR; PROVIDING THAT A SENTENCE FOR AN ASSAULT ON
14 A PARTNER OR FAMILY MEMBER REQUIRES THE OFFENDER TO COMPLETE ALL RECOMMENDATIONS
15 FOR COUNSELING, REFERRALS, ATTENDANCE AT PSYCHOEDUCATIONAL GROUPS, AND TREATMENT,
16 INCLUDING ANY INDICATED CHEMICAL DEPENDENCY TREATMENT; PROVIDING FOR REPORTS TO THE
17 SENTENCING COURT AND PROBATION OFFICER; AND AMENDING SECTIONS 40-15-102 AND 45-5-206,
18 MCA."

19

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

21

22 ~~— NEW SECTION. **Section 1. Purpose.** The profession of providing assessments, referrals, and~~
23 ~~counseling for offenders who have committed an assault on a partner or family member and the profession~~
24 ~~of facilitating psychoeducational groups for offenders who have committed an assault on a partner or~~
25 ~~family member profoundly affect the lives of all Montanans. It is the purpose of [sections 1 through 15]~~
26 ~~to provide for the common good by ensuring the ethical, qualified, and professional practice of assessment,~~
27 ~~counseling, referrals, and facilitation of psychoeducational groups for offenders. [Sections 1 through 15]~~
28 ~~and the rules adopted by the board establish standards of education, training, and experience for those~~
29 ~~who seek to engage in the practice of counseling offenders who have committed an assault on a partner~~
30 ~~or family member and the practice of facilitation of psychoeducational groups for offenders who have~~

1 ~~committed an assault on a partner or family member.~~

2

3 NEW SECTION. Section 1. Definitions. As used in [sections 1 through ~~15~~ 4], unless the context
4 requires otherwise, the following definitions apply:

5 (1) "Assault on a partner or family member" has the meaning provided in 45-5-206 for partner
6 or family member assault.

7 ~~(2) "Board" means the board of social work examiners and professional counselors established~~
8 ~~under 2-15-1854.~~

9 ~~——(3) "Certified domestic violence counselor" means a counselor who is in compliance with the~~
10 ~~requirements of [sections 1 through 15] and the board's rules. Certified domestic violence counselors may~~
11 ~~provide preliminary assessments for counseling, referrals, and counseling and may facilitate~~
12 ~~psychoeducational groups for domestic violence offenders.~~

13 ~~——(4) "Certified facilitator" means a facilitator who is in compliance with the requirements of [section~~
14 ~~4] and the board's rules and who conducts psychoeducational groups under the supervision of a certified~~
15 ~~domestic violence counselor.~~

16 ~~(5)(2)~~ (2) "Chemical dependency treatment" means required counseling and treatment related to
17 chemical dependency issues.

18 ~~(6)(3)~~ (3) "Counseling" means professional counseling as defined in 37-23-102 and includes group
19 counseling for the purposes of [sections 1 through ~~15~~ 4].

20 ~~(7) "Department" means the department of commerce provided for in 2-15-1801.~~

21 ~~(8)(4)~~ (4) "Investigative criminal justice report" means the investigative report prepared by a law
22 enforcement agency associated with an offender's arrest for an assault on a partner or family member,
23 excluding any confidential information relating to the victim's location AND CONFIDENTIAL INFORMATION NOT
24 RELATED TO THE OFFENSE.

25 ~~(9)(5)~~ (5) "Offender" means a person convicted of an assault on a partner or family member.

26 ~~(10)(6)~~ (6) "Offender intervention program" means the combination of counseling and ~~facilitator~~ OTHER
27 services that is organized in a judicial district to provide a preliminary assessment for counseling, ~~certified~~
28 ~~domestic violence counselor services,~~ and ~~certified facilitator~~ OTHER services that are required for an
29 offender.

30 ~~(11) "Offender's residence" means the offender's home address at the time of the assault on a~~

1 ~~partner or family member.~~

2 ~~(12)(7)~~ "Preliminary assessment for counseling" means the counseling assessment completed by
3 a ~~certified domestic violence~~ counselor to determine an offender's need for counseling, attendance at
4 psychoeducational groups, and referrals for other treatment. This assessment must be completed either
5 before or within 4 weeks after counseling and ~~psycho-educational~~ PSYCHOEDUCATIONAL groups are started.

6 ~~(13)(8)~~ "Psychoeducational group" means a group discussion, with instructional content themes,
7 that encourages sharing and feedback, increases self-awareness, and is aimed at facilitating change in
8 group members' daily lives.

9 ~~(14)(9)~~ "Recreational intoxicant" means a substance, drug, or other chemical that was taken for
10 the purpose of causing a person to be in a different emotional or psychological state and was not taken
11 for a medically recognized therapeutic purpose.

12 ~~(15)~~ "Supervision" means ~~the ability to have timely and direct access to a supervisor on a daily~~
13 ~~basis.~~

14 ~~(16)(10)~~ "Victim" means a person against whom the offender committed an assault.

15

16 ~~NEW SECTION. Section 3. Board powers and duties. (1) The board shall:~~

17 ~~(a) certify domestic violence counselors and facilitators who provide offender intervention~~
18 ~~programs for compliance with state law and the rules of the board;~~

19 ~~(b) adopt rules:~~

20 ~~(i) for certification requirements for facilitators for psychoeducational groups;~~

21 ~~(ii) for certification requirements for domestic violence counselors;~~

22 ~~(iii) for application forms, for establishing fees for certification and renewal of certification, and for~~
23 ~~establishing renewal dates;~~

24 ~~(iv) for training programs and continuing education requirements to promote the quality of offender~~
25 ~~intervention counseling;~~

26 ~~(v) necessary to implement the provisions of [sections 1 through 15];~~

27 ~~(vi) specifying the scope of assessments;~~

28 ~~(vii) specifying the scope of offender intervention counseling and psychoeducational group~~
29 ~~counseling;~~

30 ~~(viii) concerning notification of victims;~~

1 ~~———(ix) concerning victim and offender confidentiality; and~~
2 ~~———(x) for complaints against and discipline of certified domestic violence counselors and certified~~
3 ~~facilitators; and~~
4 ~~———(c) compile a list of certified offender intervention programs by March 1, 2004, and provide the~~
5 ~~list upon request either electronically or by mail.~~

6 ~~———(2) Fees established by the board must be commensurate with the costs of the function for which~~
7 ~~the fee is charged.~~

8

9 ~~———~~ NEW SECTION. Section 4. Domestic violence counselor and facilitator certification. (1) In order
10 to be a certified domestic violence counselor, an individual must:

11 ~~———(a) have a master's degree or a doctoral degree and be licensed in psychiatry, psychology, social~~
12 ~~work, or professional counseling or have a master's degree in one of those fields;~~

13 ~~———(b) be active in the supervision stage of the licensed field; and~~

14 ~~———(c) have completed training and experience as required by the rules of the board.~~

15 ~~———(2) In order to be a certified facilitator, an individual must have a bachelor's degree in human~~
16 ~~services or the equivalent experience and training as determined by the board and have completed training~~
17 ~~and experience as required by the rules of the board.~~

18

19 ~~———~~ NEW SECTION. Section 5. Qualifications required -- exceptions. (1) (a) Except as otherwise
20 provided in [sections 1 through 15], a person may not practice as a certified domestic violence counselor
21 or as a certified facilitator for psychoeducational groups or represent to the public that the person is
22 certified to provide the specified counseling unless the person is in compliance with the provisions of
23 [sections 1 through 15] or the person is subject to an exception created by [sections 1 through 15] or by
24 a rule adopted by the board.

25 ~~———(b) Persons providing domestic violence counseling or facilitation services must be certified by~~
26 ~~January 1, 2004.~~

27 ~~———(2) If a certified domestic violence counselor or certified facilitator who provides offender~~
28 ~~intervention counseling was convicted of an assault on a partner or family member, at least 3 violence-free~~
29 ~~years must have passed after the conviction before the certified domestic violence counselor or certified~~
30 ~~facilitator may provide services in an offender intervention program.~~

1

2 NEW SECTION. Section 2. Offender intervention counseling referral. (1) The court shall notify
3 the offender intervention program of the court's sentence and the court's judgment ordering the offender
4 to complete a preliminary assessment and all recommended counseling, referrals, and attendance at
5 psychoeducational groups, as well as other recommended treatment, including chemical dependency
6 treatment.

7 (2) A copy of the investigative criminal justice report RELATED TO THE OFFENSE CHARGED must be sent
8 to the offender intervention program to assist ~~certified domestic violence~~ counselors and ~~certified~~
9 ~~facilitators~~ in completing the offender's assessment, counseling, referrals, and psychoeducational group
10 counseling. BEFORE THE REPORT IS SENT, INFORMATION IN THE REPORT THAT RELATES TO THE VICTIM'S LOCATION OR
11 DOES NOT RELATE TO THE CHARGED OFFENSE MUST BE DELETED.

12 (3) The ~~court's~~ referral of the offender's investigative report to the offender intervention program
13 does not violate the confidentiality provisions under Title 44, chapter 5. The court shall adopt and the
14 offender intervention program must include confidentiality procedures to protect the privacy rights of the
15 victim and offender.

16

17 ~~NEW SECTION. Section 7. Preliminary offender intervention assessment.~~ (1) ~~Offenders shall~~
18 ~~complete a preliminary assessment for counseling and psychoeducational groups. The assessment must~~
19 ~~include a review of the offender's need for counseling, referrals, attendance at psychoeducational groups,~~
20 ~~and other treatment, including chemical dependency treatment.~~

21 ~~(2) Issues reviewed in the preliminary assessment must include:~~

22 ~~(a) the offender's history of violence, including prior arrests;~~

23 ~~(b) power and control issues;~~

24 ~~(c) mental health issues;~~

25 ~~(d) gender bias;~~

26 ~~(e) a risk assessment;~~

27 ~~(f) chemical dependency issues; and~~

28 ~~(g) any other characteristic that would make the offender unable to participate meaningfully in~~
29 ~~group sessions.~~

30 ~~(3) The certified domestic violence counselor must have access to a copy of the investigative~~

1 criminal justice report to assist with the counseling assessment. At the conclusion of the preliminary
 2 assessment, the certified domestic violence counselor shall recommend that the offender complete the
 3 appropriate referrals for counseling and treatment, including chemical dependency treatment, and the
 4 appropriate number of counseling sessions and psychoeducational group meetings based on the
 5 assessment. The recommended referral may not be less than 40 hours.

6

7 ~~NEW SECTION. Section 8. Offender intervention program content.~~ (1) The offender intervention
 8 program must focus on the offender's actions. The program must emphasize the victim's right to safety
 9 and control over the victim's own life. The program must explore power, control, and attachment issues,
 10 the impact of domestic violence on the victim and children, and gender in relationships. Topics covered
 11 by psychoeducational groups must include society's myths and attitudes about gender and domestic
 12 violence.

13 ~~(2) An offender intervention program may charge fees on a sliding scale to assist the program in~~
 14 ~~providing services to offenders from all economic backgrounds.~~

15

16 NEW SECTION. Section 3. Report to court or probation officer. (1) The head of the offender
 17 intervention program shall report to the court and the offender's probation officer. The report does not
 18 breach confidentiality.

19 (2) The head of the offender intervention program shall report to the court or the offender's
 20 probation officer, if the offender is assigned a probation officer, when:

21 (a) the offender has started the program;

22 (b) the offender has completed the assessment and the program has established recommendations
 23 for counseling, referrals, and attendance at psychoeducational groups, as well as other recommended
 24 treatment, including chemical dependency treatment;

25 (c) the offender has violated the offender intervention program rules related to attendance, the
 26 use of violence, and the use of recreational intoxicants; and

27 (d) the offender has completed the program.

28

29 ~~NEW SECTION. Section 10. Offender intervention counseling groups.~~ Offender intervention
 30 counseling sessions and psychoeducational groups must be conducted in a group format with one male

1 ~~and one female certified domestic violence counselor or certified facilitator if staffing is available. Groups~~
 2 ~~must be limited to 15 offenders in a group.~~

3

4 NEW SECTION. **Section 4. Offender intervention counseling confidentiality.** (1) Offender
 5 intervention programs must have policies and procedures to protect the confidentiality of the offender and
 6 the victim. The investigative criminal justice report may be used within the offender intervention counseling
 7 sessions and psychoeducational groups after precautions are taken to protect confidentiality.

8 (2) The ~~certified domestic violence counselor or certified facilitator~~ may contact the victim of the
 9 assault. The ~~certified domestic violence counselor or certified facilitator~~ may notify the victim that the
 10 offender intervention program is not a guarantee that the offender will not be violent. The victim may be
 11 asked to provide information about the most recent offense, the offender's history of violence, the
 12 offender's use of recreational intoxicants, the offender's use of power and control over the victim, and
 13 whether the offender has committed another offense. All precautions must be taken to prevent this
 14 contact from increasing the victim's danger.

15 (3) The ~~certified domestic violence counselor or certified facilitator~~ shall, when possible, warn the
 16 victim if the offender exhibits behavior or makes statements in a group meeting that indicate ~~extreme~~
 17 IMMINENT danger to the victim. If the ~~certified domestic violence counselor or certified facilitator~~ is unable
 18 to tell the victim this information, information about these high-risk behaviors must be given to the local
 19 victim advocacy agency. This contact does not violate the offender's right to confidentiality.

20

21 ~~——— NEW SECTION. **Section 12. Offender intervention counseling exception.** If an offender's residence~~
 22 ~~is greater than 75 miles from a certified domestic violence counselor, a certified facilitator, or an offender~~
 23 ~~intervention program that provides offender intervention counseling, the offender may complete the~~
 24 ~~required counseling with an available counseling provider who most closely matches the requirements in~~
 25 ~~{sections 1 through 15}.~~

26

27 ~~——— NEW SECTION. **Section 13. Unprofessional conduct complaint -- sanctions.** (1) A formal~~
 28 ~~complaint alleging unprofessional conduct by a certified domestic violence counselor or certified facilitator~~
 29 ~~may be directed to the board. The allegations must be made by an affidavit, subscribed and sworn to by~~
 30 ~~the person making it, and filed with the board.~~

1 ~~————(2) The complaint may allege any unprofessional conduct as defined by board rule that constitutes~~
 2 ~~a threat to the public health, safety, or welfare and that is inappropriate to the practice of a certified~~
 3 ~~domestic violence counselor or certified facilitator.~~

4 ~~————(3) The board shall refer complaints of unprofessional conduct directly to the department.~~

5 ~~————(4) The board shall recommend to the department either that the person be cleared of any charges~~
 6 ~~or that a sanction or combination of sanctions be imposed.~~

7 ~~————(5) The procedures in 37-1-307 through 37-1-318, regarding unprofessional conduct, apply to any~~
 8 ~~proceeding under this section.~~

9

10 ~~————NEW SECTION. **Section 14. Deposit of fees.** All fees received by the board must be deposited~~
 11 ~~in the state treasury to the credit of a state special revenue fund for use by the board in its performance~~
 12 ~~of its duties under [sections 1 through 15].~~

13

14 ~~————NEW SECTION. **Section 15. Violation -- penalty.** (1) A violation of any provision of [sections 1~~
 15 ~~through 15] is a misdemeanor.~~

16 ~~————(2) A person convicted of a violation of [sections 1 through 15] shall be imprisoned in the county~~
 17 ~~jail for a period not to exceed 6 months, fined not more than \$500, or both. A person convicted of a~~
 18 ~~second offense shall be punished by both a fine and imprisonment.~~

19

20 **Section 5.** Section 40-15-102, MCA, is amended to read:

21 **"40-15-102. Eligibility for order of protection.** (1) A person may file a petition for an order of
 22 protection if:

23 (a) the petitioner is in reasonable apprehension of bodily injury by the petitioner's partner or family
 24 member as defined in 45-5-206; or

25 (b) the petitioner is a victim of one of the following offenses committed by a partner or family
 26 member:

27 (i) assault as defined in 45-5-201;

28 (ii) aggravated assault as defined in 45-5-202;

29 (iii) intimidation as defined in 45-5-203;

30 (iv) partner or family member assault as defined in 45-5-206;

- 1 (v) criminal endangerment as defined in 45-5-207;
 2 (vi) negligent endangerment as defined in 45-5-208;
 3 (vii) assault on a minor as defined in 45-5-212;
 4 (viii) assault with a weapon as defined in 45-5-213;
 5 (ix) unlawful restraint as defined in 45-5-301;
 6 (x) kidnapping as defined in 45-5-302;
 7 (xi) aggravated kidnapping as defined in 45-5-303; or
 8 (xii) arson as defined in 45-6-103.

9 (2) ~~A~~ The following individuals are eligible to file a petition for an order of protection against the
 10 offender regardless of the individual's relationship to the offender:

11 (a) a victim of stalking as defined in 45-5-220, incest as defined in 45-5-507, sexual assault as
 12 defined in 45-5-502, or sexual intercourse without consent as defined in 45-5-503; or

13 (b) a partner or family member of a victim of deliberate homicide as defined in 45-5-102 or
 14 mitigated deliberate homicide as defined in 45-5-103 is eligible for an order of protection against the
 15 offender regardless of the petitioner's relationship to the offender.

16 (3) A parent, guardian ad litem, or other representative of the petitioner may file a petition for an
 17 order of protection on behalf of a minor petitioner against the petitioner's abuser. At its discretion, a court
 18 may appoint a guardian ad litem for a minor petitioner.

19 (4) A guardian must be appointed for a minor respondent when required by Rule 17(c), Montana
 20 Rules of Civil Procedure, or by 25-31-602. An order of protection is effective against a respondent
 21 regardless of the respondent's age.

22 (5) A petitioner is eligible for an order of protection whether or not:

- 23 (a) the petitioner reports the abuse to law enforcement;
 24 (b) charges are filed; or
 25 (c) the petitioner participates in a criminal prosecution.

26 (6) If a petitioner is otherwise entitled to an order of protection, the length of time between the
 27 abusive incident and the petitioner's application for an order of protection is irrelevant."

28

29 **Section 6.** Section 45-5-206, MCA, is amended to read:

30 **"45-5-206. Partner or family member assault -- penalty.** (1) A person commits the offense of

1 partner or family member assault if the person:

2 (a) purposely or knowingly causes bodily injury to a partner or family member;

3 (b) negligently causes bodily injury to a partner or family member with a weapon; or

4 (c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family
5 member.

6 (2) For the purposes of [sections 1 through 15] 4, Title 40, chapter 15, 46-6-311, and this
7 section, the following definitions apply:

8 (a) "Family member" means mothers, fathers, children, brothers, sisters, and other past or present
9 family members of a household. These relationships include relationships created by adoption and
10 remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These
11 relationships continue regardless of the ages of the parties and whether the parties reside in the same
12 household.

13 (b) "Partners" means spouses, former spouses, persons who have a child in common, and persons
14 who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite
15 sex.

16 (3) (a) (i) An offender convicted of partner or family member assault shall be fined an amount not
17 less than \$100 or more than \$1,000 and be imprisoned in the county jail for a term not to exceed 1 year
18 or not less than 24 hours for a first offense.

19 (ii) An offender convicted of a second offense under this section shall be fined not less than \$300
20 or more than \$1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.

21 (iii) Upon a first or second conviction, the offender may be ordered into misdemeanor probation
22 as provided in 46-23-1005.

23 (iv) On a third or subsequent conviction for partner or family member assault, the offender shall
24 be fined not less than \$500 and not more than \$50,000 and be imprisoned for a term not less than 30
25 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be
26 imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned
27 in the state prison.

28 ~~—— (v) If the offense was committed within the vision or hearing of a minor, the judge shall consider
29 the minor's presence as an aggravating factor at the time of sentencing.~~

30 (v) IF THE OFFENSE WAS COMMITTED WITHIN THE VISION OR HEARING OF A MINOR, THE JUDGE SHALL CONSIDER

1 THE MINOR'S PRESENCE AS A FACTOR AT THE TIME OF SENTENCING.

2 (b) (i) For the purpose of determining the number of convictions under this section, a conviction
3 means a conviction, as defined in 45-2-101, in this state, conviction for a violation of a similar statute in
4 another state, or a forfeiture of bail or collateral deposited to secure the defendant's appearance in court
5 in this state or in another state for a violation of a similar statute, which forfeiture has not been vacated.
6 A prior conviction for domestic abuse under this section is a prior conviction for purposes of subsection
7 (3)(a).

8 (ii) A conviction for assault with a weapon under 45-5-213, if the offender was a partner or family
9 member of the victim, constitutes a conviction for the purpose of calculating prior convictions under this
10 section.

11 (4) (a) An offender convicted of partner or family member assault is required to pay for and
12 complete a counseling assessment with a focus on violence, dangerousness, and chemical dependency.
13 An investigative criminal justice report, as defined in [section 2] 1], must be copied and sent to the
14 offender intervention program, as defined in [section 2] 1], to assist the counseling provider in properly
15 assessing the offender's need for counseling and treatment. Counseling providers shall take all required
16 precautions to ensure the confidentiality of the report. If the report contains confidential information
17 relating to the victim's location OR NOT RELATED TO THE CHARGED OFFENSE, that information must be deleted
18 from the report prior to being sent to the offender intervention program.

19 (b) The offender shall ~~follow through on complete~~ all recommendations for counseling, referrals,
20 attendance at psychoeducational groups, and OR treatment, including any indicated chemical dependency
21 treatment, made by the counseling provider. The counseling provider must be approved by the court. The
22 counseling must include a ~~counseling preliminary~~ assessment for counseling, as defined in [section 2] 1].
23 ~~and THE OFFENDER MUST COMPLETE~~ a minimum of ~~25 40 25 40~~ hours of counseling ~~and~~. THE COUNSELING MAY
24 INCLUDE attendance at psychoeducational groups, as defined in [section 2] 1], in addition to the
25 assessment. The assessment and the counseling must be:

26 ~~—— (i) with a person licensed under Title 37, chapter 17, 22, or 23;~~

27 ~~—— (ii) with a professional person as defined in 53-21-102; or~~

28 ~~—— (iii) in a specialized domestic violence intervention program.~~ THE PRELIMINARY ASSESSMENT AND
29 COUNSELING MUST BE:

30 (i) WITH A PERSON LICENSED UNDER TITLE 37, CHAPTER 17, 22, OR 23;

1 (II) WITH A PROFESSIONAL PERSON AS DEFINED IN 53-21-102; OR

2 (III) IN A SPECIALIZED DOMESTIC VIOLENCE INTERVENTION PROGRAM.

3 ~~(b)(c)~~ The minimum counseling and attendance at psychoeducational groups provided in subsection
 4 ~~(4)(a)~~ (4)(b) must be directed to the violent conduct of the offender. Other issues indicated by the
 5 assessment may be addressed in additional counseling beyond the minimum ~~25~~ 40 ~~25~~ 40 hours.
 6 Subsection ~~(4)(a)~~ (4)(b) does not prohibit the placement of the offender in other appropriate treatment if
 7 the court determines that there is no available treatment program directed to the violent conduct of the
 8 offender. There is no available treatment program if the offender is required to travel more than 75 miles
 9 to attend a program that meets the statutory requirements and the requirements of the rules implementing
 10 the statutory requirements.

11 ~~—— (d) An individual who administers a preliminary assessment for counseling, provides counseling,~~
 12 ~~or facilitates psychoeducational groups under this section must be certified by the board of social work~~
 13 ~~examiners and professional counselors as provided in [sections 1 through 15].~~

14 (5) In addition to any sentence imposed under subsections (3) and (4), after determining the
 15 financial resources and future ability of the offender to pay restitution as provided for in 46-18-242, the
 16 court shall require the offender, if able, to pay the victim's reasonable actual medical, housing, wage loss,
 17 and counseling costs.

18 (6) In addition to the requirements of subsection (5), if financially able, the offender must be
 19 ordered to pay for the costs of the offender's probation, if probation is ordered by the court.

20 (7) The court may prohibit an offender convicted under this section from possession or use of the
 21 firearm used in the assault. The court may enforce 45-8-323 if a firearm was used in the assault.

22 (8) ~~At the time of sentencing, the~~ The court shall provide an offender with a written copy of the
 23 offender's sentence at the time of sentencing or within 2 weeks of sentencing if the copy is sent
 24 electronically or by mail."

25
 26 ~~—— NEW SECTION. Section 18. Grandfather clause -- transition. A person providing domestic violence~~
 27 ~~counseling services or facilitator services to an offender convicted of an assault on a partner or family~~
 28 ~~member on [the effective date of this section] may continue to provide those services without being~~
 29 ~~certified, as provided in [sections 1 through 15], until January 1, 2004. After January 1, 2004, domestic~~
 30 ~~violence counseling and facilitator services for offenders convicted of an assault on a partner or family~~

