

1 SENATE JOINT RESOLUTION NO. 29

2 INTRODUCED BY G. HINKLE

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY ON RESTORATIVE JUSTICE FOR OFFENDERS; AND
6 REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 63RD LEGISLATURE.

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8 WHEREAS, restorative justice is a criminal justice model that focuses on repairing the harm to all parties
9 affected by a crime and holding offenders accountable, rather than on retribution against and punishment of the
10 offender; and

11 WHEREAS, restorative justice views crime as wrongdoing against individuals and communities, rather
12 than as a wrongdoing against the state; and

13 WHEREAS, restorative justice programs, such as victim-offender dialogue, mediation, and victim impact
14 panels, encourage offender responsibility and reduced revictimization; and

15 WHEREAS, the state Department of Corrections has embraced restorative justice principles in programs
16 and services for offenders and victims, including facilitated victim-offender dialogue, victim impact panels at
17 department facilities, offender accountability letters, and centralized restitution collection; and

18 WHEREAS, other programs in other states and nations have shown lower recidivism rates and cost
19 savings to state law enforcement; and

20 WHEREAS, the 2007 Montana Legislature passed House Bill No. 629, which enacted section 46-1-502,
21 MCA, allowing courts to refer many types of criminal cases for mediation, potentially diverting cases from the
22 Department of Corrections while allowing all parties to reach settlement agreements for victim restitution,
23 community reparation, and offender treatment and programming.

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25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
26 STATE OF MONTANA:

27 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
28 section 5-5-217, MCA, or direct sufficient staff resources to:

29 (1) analyze restorative justice programs in Montana and determine which programs are most effective
30 at rehabilitating offenders and identify any weaknesses or gaps in Montana's programs;

