

SENATE BILL NO. 373

INTRODUCED BY C. KAUFMANN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE INTENT OF RESTORATIVE JUSTICE
5 PROGRAMS; ESTABLISHING A RESTORATIVE JUSTICE GRANT PROGRAM UNDER THE BOARD OF
6 CRIME CONTROL; AMENDING SECTIONS 2-15-2012, 2-15-2013, 2-15-2014, AND 46-23-901, MCA; AND
7 PROVIDING AN EFFECTIVE DATE."

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

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11 **Section 1.** Section 2-15-2012, MCA, is amended to read:
12 **"2-15-2012. Intent.** The legislature recognizes that incarcerating offenders carries an extremely high
13 cost and may not be the most effective strategy for restoring victims, reforming offenders, and reducing
14 recidivism. It is the intent of 2-15-2013 to create a grant program that will provide funds to state and local entities
15 that establish restorative justice programs ~~have the board of crime control apply for grants that will provide funds~~
16 ~~to state and local entities that establish restorative justice programs~~ to divert from incarceration appropriate
17 offenders who are at low risk for violence. It is also the intent that restorative justice programs be supported by
18 federal, state, and local funds."

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20 **Section 2.** Section 2-15-2013, MCA, is amended to read:
21 **"2-15-2013. Restorative justice grants.** (1) There is a restorative justice grant program administered
22 by the Montana board of crime control established in 2-15-2006.

23 (+)(2) The purposes of the restorative justice grant programs are to:
24 (a) promote the use of restorative justice practices throughout the state by balancing the needs of
25 victims, communities, and juvenile and adult offenders; and
26 (b) provide technical assistance to local and state jurisdictions and organizations interested in
27 implementing the principles of restorative justice; and
28 (c) provide matching funds to Montana communities that invest in restorative justice programs.
29 (-)(3) For the purposes of 2-15-2012, 2-15-2014, and this section, the term "restorative justice" means
30 criminal justice practices that elevate the role of crime victims and community members in the criminal justice

1 process, hold offenders directly accountable to the people and communities they have harmed, restore emotional
 2 and material losses, and provide a range of opportunities for victim, offender, and community dialogue,
 3 negotiation, and problem solving to bring about a greater sense of justice, repair harm, provide restitution, reduce
 4 incarceration and recidivism rates, and increase public safety.

5 ~~(3)~~(4) A restorative justice program eligible for grant funding pursuant to this section shall use
 6 evidence-based practices, which may include but are not limited to facilitated victim-offender meetings, family
 7 group conferencing, sentencing circles, victim impact panels, offender accountability letters, restitution programs,
 8 constructive community service, victim awareness education, victim empathy programs, school expulsion
 9 alternatives, peer mediation, diversion programs, and community panels.

10 ~~(4)~~(5) ~~(a)~~ The board of crime control shall actively seek federal grant money that may be used for the
 11 purposes of this section may use up to 20% of any money appropriated for this grant program for administrative
 12 costs and statewide coordination including:

13 (a) providing educational programs on the philosophical framework of restorative justice;

14 (b) providing technical assistance to school, law enforcement, youth courts, probation and parole officers,
 15 juvenile corrections programs, and prisons in designing and implementing restorative justice practices;

16 (c) developing a website with links to resources and information about restorative justice;

17 (d) coordinating the efforts of victim services agencies, the judiciary, the department of justice, the
 18 department of corrections, and local agencies that are involved in criminal adult and juvenile justice;

19 (e) maintaining a statewide inventory and directory of restorative justice programs;

20 (f) providing information to schools, local governments, law enforcement, state agencies, the judiciary,
 21 and the legislature regarding systemic changes that may be necessary to enhance restorative justice efforts in
 22 the state; and

23 (g) producing the report required in subsection (8).

24 (6) To be eligible for a grant for a restorative justice program referred to in subsection (4), the grantee
 25 shall:

26 (a) invest in the program with cash or in-kind services a proportionate amount as determined by the
 27 department of the grant amount to be provided;

28 (b) agree to collect and report program participation and evaluation data and information in a manner
 29 prescribed by the board; and

30 (c) meet any other standard criteria established by the board.

1 (7) The board shall actively seek federal grant money that may be used for the purposes of this section.

2 ~~(b)(8)~~ The board shall produce a biennial report summarizing the grants provided, how the grant money
3 was spent, and the program data and information reported by grant recipients.

4 ~~(e)(9)~~ The board shall report annually to the law and justice interim committee regarding the status and
5 performance of the restorative justice grant programs established in this section."
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7 **Section 3.** Section 2-15-2014, MCA, is amended to read:

8 **"2-15-2014. Restorative justice fund created -- source of funding -- use of fund.** (1) There is an
9 account in the state special revenue fund established by 17-2-102 to be known as the restorative justice fund.

10 (2) There must be deposited in the account:

11 (a) money received from legislative allocations;

12 (b) a transfer of money from a state or local agency for the purposes of 2-15-2013;

13 (c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of 2-15-2013; ~~and~~

14 (d) money received by the ~~department of justice~~ board of crime control for the purpose of administering
15 46-15-411(2); and

16 (e) federal grant funds awarded to the board of crime control for the purposes of 2-15-2013.

17 (3) Except as provided in subsection (2)(d), the fund may be used only to provide grants for restorative
18 justice programs as provided in 2-15-2013 to community-based, including faith-based, organizations."
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20 **Section 4.** Section 46-23-901, MCA, is amended to read:

21 **"46-23-901. Legislative findings -- definition.** (1) The legislature finds that:

22 (a) an effective reentry program targeting inmates at greatest risk of recidivism would not only save the
23 state money but would enhance public safety;

24 (b) a successful reentry initiative requires planning and preparation, the support of multiple state
25 agencies and community-based organizations, and targeted funding;

26 (c) in-prison access to resources is an important component of reentry planning prior to release; and

27 (d) studies have shown that offenders who participate in reentry and restorative justice programs that
28 hold offenders accountable to victims and community volunteer panels are less likely to reoffend, more likely to
29 find community acceptance and employment, and better able to pay restitution.

30 (2) As used in this part, ~~"restorative justice program"~~ "restorative justice" has the meaning provided in

1 ~~2-15-2013(3)(c)~~ 2-15-2013."

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3 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2015.

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