

1 WHEREAS, a pretrial diversion program or a presentence diversion agreement can allow a defendant
2 to obtain and complete treatment outside of a secure facility; and

3 WHEREAS, increasing access to pretrial diversion programs and presentence diversion agreements
4 for certain defendants could reduce caseloads for prosecutors, public defenders, judges, and the Department of
5 Corrections, while also prioritizing jail and prison bed space for other offenders; and

6 WHEREAS, intervening early through pretrial diversion programs and presentence diversion
7 agreements and providing treatment for underlying addiction issues will create cost savings for the criminal
8 justice system and improve outcomes for offenders.

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

12 That the Legislative Council be requested to designate an appropriate interim committee or statutory
13 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study how to establish
14 pretrial diversion programs and a uniform presentence diversion agreement in the state.

15 BE IT FURTHER RESOLVED, that the study should:

16 (1) identify Montana jurisdictions that currently operate a pretrial diversion program or a presentence
17 diversion agreement and examine the structure, scope, funding, eligibility criteria, and procedures for those
18 programs;

19 (2) review national best practices for pretrial diversion programs and presentence diversion
20 agreements;

21 (3) examine pretrial diversion programs and presentence diversion agreements in other states,
22 including their structure, scope, funding, eligibility criteria, and procedures;

23 (4) review existing Montana statutes that create or support opportunities for individuals to be diverted
24 from the criminal justice system; and

25 (5) review the available funding sources for pretrial diversion programs or presentence diversion
26 agreements and the cost shift and savings realized through a pretrial diversion program or a presentence
27 diversion agreement that diverts people from the criminal justice system and into treatment and addiction
28 services.

