



AN ACT PROVIDING FOR AN INTERIM JUDICIAL REDISTRICTING COMMISSION; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

**Section 1. Judicial redistricting commission.** (1) There is a judicial redistricting commission. The commission consists of the following seven members:

- (a) a legislative member jointly appointed by the majority leaders of the house and the senate;
- (b) a legislative member who is from the opposite chamber of the person appointed under subsection (1)(a) and who is jointly appointed by the minority leaders of the house and the senate;
- (c) two district court judges appointed by the chief justice of the supreme court;
- (d) a district court clerk appointed by the Montana association of clerks of district court;
- (e) a county commissioner appointed by the Montana association of counties; and
- (f) a member of the state bar of Montana appointed by the president of the state bar of Montana.

(2) The commission shall study whether judicial redistricting is necessary as determined by the following factors:

- (a) the population of the judicial districts as determined by the latest figures prepared and issued by the United States census bureau;
- (b) each judicial district's weighted caseload as determined by judicial workload studies;
- (c) the relative proportions of civil, criminal, juvenile, and family law cases in each judicial district;
- (d) the extent to which special masters, alternative dispute resolution techniques, and other measures have been used in the judicial districts;
- (e) the distances in highway miles between county seats in existing judicial districts and any judicial districts that may be proposed by the commission;
- (f) the impact on counties of any changes proposed in the judicial districts; and
- (g) any other factors that the commission considers significant to the determination of whether the state's

judicial districts should be redistricted.

(3) The commission shall report the results of its study to the 65th regular session of the legislature. If the commission determines that redistricting is necessary based on the factors provided in subsection (2), the commission shall recommend legislation to redistrict the state's judicial districts for introduction in the 65th regular session of the legislature.

(4) Commission members appointed under subsection (1) shall be appointed within 30 days of [the effective date of this act]. If a vacancy occurs, a new member must be selected in the same manner as the original appointment. Commission member terms expire June 30, 2017.

(5) (a) A member of the commission who is not a legislator or an employee of the state or a political subdivision of the state is eligible to be reimbursed and compensated as provided in 2-15-124(7).

(b) A member of the commission who is not a legislator but is an employee of the state or a political subdivision of the state is not entitled to compensation but is entitled to be reimbursed for expenses as provided in 2-18-501 through 2-18-503.

(c) A legislator who is a member of the commission is eligible to be compensated and reimbursed as provided in 5-2-302.

(6) At the commission's first meeting, a majority of commission members shall select a presiding officer.

(7) The legislative services division shall provide staff assistance to the judicial redistricting commission.

**Section 2. Appropriation.** There is appropriated \$20,170 from the general fund to the legislative services division for the biennium beginning July 1, 2015, to support the commission provided for in [section 1].

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

**Section 4. Termination.** [This act] terminates June 30, 2017.

- END -



AN ACT CREATING AN INTERIM TASK FORCE TO STUDY THE OPERATIONS OF THE OFFICE OF STATE PUBLIC DEFENDER TO DEVELOP A LONG-TERM ORGANIZATIONAL PLAN THAT WILL ALLOW THE OPD TO PROVIDE EFFECTIVE ASSISTANCE OF COUNSEL TO THOSE THAT QUALIFY; SPECIFYING MEMBERS AND DUTIES; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

WHEREAS, the Office of State Public Defender (OPD) was established in the Montana Public Defender Act by the 2005 Montana Legislature; and

WHEREAS, OPD is supervised by the Montana Public Defender Commission, whose members are appointed by the Governor; and

WHEREAS, the organizational structure of the OPD has changed over time in response to court rulings to include three programs: the Public Defender Program, the Appellate Defender Program, and the Conflict Coordinator, each with its own chief; and

WHEREAS, the number of cases assigned to the Public Defender Program has grown by 14.6% since fiscal year 2010, and, despite a yearly case closing rate of 91.8% during fiscal year 2014, the Public Defender Program had nearly 21,000 open, active cases at the end of that fiscal year; and

WHEREAS, the Appellate Defender Program experienced a 42% increase in caseload from fiscal year 2012 to 2014; and

WHEREAS, abuse and neglect cases made up 34% of the case growth in the Public Defender Program from fiscal year 2010 to fiscal year 2014, and in the Appellate Defender Program these cases were projected to increase 43% between fiscal year 2013 and fiscal year 2015; and

WHEREAS, in February 2013 the Commission unanimously approved a resolution to authorize the Chief Public Defender to take necessary and appropriate actions to limit acceptance of new cases until further resources were available or caseloads decreased to a manageable number.

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

**Section 1. Task force on state public defender operations -- membership.** (1) There is a task force on state public defender operations.

(2) The task force consists of 11 members appointed as follows:

(a) three members of the house of representatives, two of whom must be appointed by the speaker of the house and one of whom must be appointed by the house minority leader;

(b) three members of the senate, one of whom must be appointed by the senate president and two of whom must be appointed by the senate minority leader;

(c) one district court judge appointed by the chief justice of the supreme court; and

(d) four members appointed by the governor, none of whom may be a currently serving legislator, including:

(i) one attorney experienced in the federal Indian Child Welfare Act advocating on behalf of racial minorities in Montana;

(ii) one attorney with experience in the prosecution of misdemeanor and felony offenses in Montana;

(iii) one attorney with experience in the criminal defense of misdemeanor and felony offenses in Montana;

and

(iv) one individual assigned to act as a group facilitator.

(3) If possible, the senate president and senate minority leader and the speaker of the house and house minority leader shall select members who served on the joint appropriations subcommittee on judicial branch, law enforcement, and justice during the 2015 legislative session.

(4) Legislative members are entitled to receive compensation and expenses as provided in 5-2-302. Members appointed pursuant to subsections (2)(c) through (2)(e) are entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503.

(5) The task force shall select a presiding officer and vice presiding officer by majority vote. The presiding officer and vice presiding officer must be legislative members.

(6) The legislative services division shall provide staff assistance to the task force. The legislative fiscal division, the office of state public defender, and the judicial branch shall provide information upon request.

**Section 2. Task force duties.** (1) The task force shall study the operations of the office of state public

defender and develop a long-term organizational plan for the next 6 to 10 years that will allow the office to provide effective assistance of counsel to those that qualify.

(2) The study must examine:

(a) the constitutional duties of the office;

(b) the statutory duties of the office;

(c) the ethics and professional responsibilities of attorneys employed at the office;

(d) how other states provide assistance of counsel to those who qualify for assistance, including how those states structure and fund their offices or programs and any litigation on the structure and funding of those offices and programs;

(e) the effects of compensation and workloads on the recruitment and retention of attorneys and administrative and support staff;

(f) measures and resources that could be implemented or assigned to improve staff and attorney recruitment and retention issues;

(g) the possibility, costs, and benefits of restructuring the office; and

(h) any other issues related to the duties, funding, and ethical obligation of the office that the task force determines are relevant to develop a long-term organizational plan that will allow the office to accomplish its constitutional and statutory duties.

(3) The task force shall involve input from the various stakeholders of the office and the legal system and, to the extent possible, consult with outside experts about Montana's system and systems in other states.

(4) The task force shall coordinate meetings with the law and justice interim committee and may hold no more than five meetings.

(5) All aspects of the task force, including reporting requirements, must be concluded prior to September 15, 2016. The task force shall prepare a final report of its findings, conclusions, and recommendations and shall prepare draft legislation whenever appropriate. The task force shall submit the final report to the governor, the chief justice of the supreme court, and the 65th legislature as provided in 5-11-210.

**Section 3. Appropriation.** There is appropriated \$24,000 from the general fund to the legislative services division for the biennium beginning July 1, 2015, to support the activities of the task force established in [section 1].

**Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 3] is effective July 1, 2015.

**Section 5. Termination.** [This act] terminates December 31, 2016.

- END -



AN ACT CREATING A COMMISSION ON SENTENCING TO STUDY SENTENCING PRACTICES AND POLICIES; PROVIDING FOR THE SUBMISSION OF RECOMMENDATIONS TO THE LEGISLATURE BY THE COMMISSION; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

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

**Section 1. Commission on sentencing.** (1) There is a commission on sentencing. The commission is allocated to the legislative services division for staffing services and administrative purposes only.

(2) The commission consists of:

(a) two members of the house of representatives, selected by the speaker of the house of representatives, no more than one of whom may be from the same political party;

(b) two members of the senate, selected by the president of the senate, no more than one of whom may be from the same political party;

(c) one district court judge selected by the chief justice of the Montana supreme court;

(d) the director of the department of corrections or the director's designee;

(e) the following individuals appointed by the attorney general:

(i) a county attorney;

(ii) a private criminal defense attorney;

(iii) a probation and parole officer;

(iv) a county sheriff; and

(v) an employee of the department of justice;

(f) an employee of the office of state public defender appointed by the chief public defender; and

(g) three members of the public, to be selected by the governor from the following list:

(i) a representative of crime victims;

(ii) a representative of faith-based organizations that assist in reentry or corrections programming;

- (iii) a representative of community businesses;
- (iv) a representative of an organization that provides mental health services;
- (v) a representative of an organization that advocates on behalf of indigent people; and
- (vi) a formerly incarcerated person or family member of a current or former inmate.

(3) At least two members of the commission must be enrolled members of a state-recognized or federally recognized Indian tribe located within the boundaries of the state of Montana.

(4) Appointments under subsection (2) must be made within 60 days after [the effective date of this act].

(5) The commission shall select a presiding officer from its members.

(6) The commission shall meet at least quarterly.

(7) Decisions of the commission must be made by majority vote of the commission members.

(8) Members of the commission must be compensated as provided in 2-15-124, and must be reimbursed for travel expenses as provided in 2-18-501 through 2-18-503. Members of the commission who are full-time salaried officers or employees of this state or of any political subdivision of this state are entitled to their regular compensation. Legislator members must be compensated as provided in 5-2-302.

**Section 2. Duties.** The commission shall:

(1) conduct an empirical study of the impact of existing sentencing policies and practices on Montana's criminal justice system, including state prison capacities, local jail and detention center capacities, community supervision and parole resources, judicial operations, public defense expenditures, and law enforcement responsibilities;

(2) identify strategies to safely reduce incarceration in state prisons and to promote evidence-based diversion programs and other effective alternatives to incarceration;

(3) investigate the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs;

(4) consider issues regarding disparity in the criminal justice process, including but not limited to racial and ethnic disparity issues;

(5) identify opportunities to:

(a) streamline and simplify the criminal code; and

(b) balance sentencing practices and policies with budget constraints;

(6) prepare a report of findings and recommendations for submission to the 65th legislature, including evidence-based analysis and data; and

(7) make a recommendation to the 65th legislature as to whether the commission should continue in existence.

~~**Section 3. Appropriation.** There is appropriated \$28,000 from the general fund to the legislative services division for fiscal years 2016 and 2017 for the purposes of funding the commission and the study as provided in [section 1].~~

**Section 4. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

**Section 5. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 3] is effective July 1, 2015.

**Section 6. Termination.** [This act] terminates June 30, 2017.

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