

HOUSE BILL NO. 472
INTRODUCED BY E. ARNTZEN

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FROM THE STATE GENERAL FUND TO THE SUPREME COURT FOR DRUG TREATMENT COURTS; PROVIDING THAT THE DISTRICT COURT COUNCIL SHALL MAKE RECOMMENDATIONS TO THE SUPREME COURT ON THE ALLOCATION OF APPROPRIATED MONEY; AMENDING SECTION 3-1-1602, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Appropriation -- drug treatment courts.** There is appropriated \$2 million from the state general fund for the 2009 biennium to the supreme court to be used to fund drug treatment courts established under Title 46, chapter 1, part 11, that have been in existence since January 1, 2007. For the purposes of this appropriation, the money may be used for drug treatment court staff, treatment services for participants, drug testing of participants, program evaluation services, and participant financial incentives.

Section 2. Section 3-1-1602, MCA, is amended to read:

"3-1-1602. District court council -- appointment -- composition -- duties -- staggered terms -- staff.

(1) There is a district court council. The council must be composed of nine members as follows:

(a) the chief justice of the supreme court or a designee of the chief justice;

(b) four district court judges elected by district court judges, one of whom must be from a judicial district that does not contain a first-class city as provided in 7-1-4111; and

(c) the following ex officio, nonvoting members appointed by the supreme court:

(i) one chief juvenile probation officer nominated by the Montana juvenile probation officers association;

(ii) one clerk of the district court nominated by the Montana association of clerks of district courts;

(iii) one county commissioner nominated by the Montana association of counties; and

(iv) one court reporter nominated by the Montana court reporters association.

(2) The chief justice or the chief justice's designee shall serve as the presiding officer of the council and shall appoint a vice presiding officer to act in the absence of the presiding officer.

(3) The district court council shall develop and adopt policies and procedures, subject to review by the supreme court, to administer the state funding of district courts. The policies and procedures must address but

not be limited to the following issues related to district courts:

- (a) workload;
- (b) resource allocation among the district courts;
- (c) hiring policies;
- (d) court procedures;
- (e) information technology;
- (f) for court reporters, work schedules, transcript fees, and equipment; and
- (g) other issues regarding the state funding of district courts.

(4) Each district court judge shall retain the inherent power to select and appoint the judge's own necessary assistants and employees and to direct the performance of their duties.

(5) The chief justice of the supreme court shall serve on the council during the term of election or appointment. Other members shall serve staggered 3-year terms.

(6) The court administrator shall provide sufficient support to the council to allow it to carry out its statutory duties.

(7) The council shall provide reports to the legislature and supreme court upon request.

(8) In addition to the duties provided for in subsection (3), the council shall, in consultation with judges of drug treatment courts established under Title 46, chapter 1, part 11, make recommendations to the supreme court regarding the allocation of state funds that may be appropriated for drug treatment courts."

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2007.

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