

HOUSE BILL NO. 507  
INTRODUCED BY M. CAMPBELL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A CONTRACTED STUDY OF ETHNIC DISCRIMINATION IN SPECIFIED AREAS OF MONTANA'S CRIMINAL JUSTICE SYSTEM; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, in 2004, Indians represented 17% of the females and 14.4% of the males in the adult corrections system (state prison, intensive supervision parole, prerelease, and probation) and were drawn from the Indian population who live off reservation (19,609) and make up only 2% of the state population; and

WHEREAS, the number of Indians incarcerated in a state prison is even more disproportionate--27.2% of incarcerated females are Indians, and 16.8% of incarcerated males are Indians--and those rates have remained consistent for at least 20 years; and

WHEREAS, previous studies on sentencing equity and disproportionate minority contact in Montana's criminal justice system have concluded that additional data and study are required; and

WHEREAS, the 59th Legislature passed House Joint Resolution 15 requesting a legislative interim committee study of disproportionate minority contact in Montana's criminal justice system, and a staff white paper on House Joint Resolution 15 analyzed study objectives and concluded that the resources and expertise required to do the study were beyond the resources and expertise available within the Legislative Services Division; and

WHEREAS, the House Joint Resolution 15 white paper identified that an option for conducting the study was to contract for qualitative and quantitative research and outlined specific study objectives.

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

**NEW SECTION. Section 1. Contracted study of ethnic factors in arrest, conviction, and sentencing.** (1) Subject to funding appropriated by the legislature for the purposes of this section, the legislative services division, established in 5-11-111, shall contract for services to study the extent to which ethnic discrimination is a factor in the arrest, conviction, sentencing to state prison, probation, and parole of Indians in Montana.

(2) Specifically, the study must examine:

(a) whether Indians are more likely than non-Indians to be arrested, convicted, and sentenced to state

prison in Montana and, if so, whether ethnic discrimination is a factor and to what extent it is a factor;

(b) whether and, if so, to what extent ethnic discrimination is a factor in determinations to grant probation and parole to Indians; and

(c) what measures should be implemented to alleviate any ethnic discrimination in the arrest, conviction, sentencing, probation, and parole of Indians in Montana.

(3) The study must involve both a quantitative analysis of demographics and a qualitative analysis of subjective factors involved in arrest, conviction, sentencing, probation, and parole.

(4) (a) The legislative council shall assign the study provided for in this section to the law and justice interim committee, established in 5-5-226, which must receive regular progress reports on the study and act as a steering and oversight committee for the study.

(b) Legislative staff shall seek any grant funding and technical assistance that may be available to assist in the conduct of the study.

(c) The findings and conclusions of the study must be presented to the law and justice interim committee before September 15, 2008. A final report must be published and made available to the governor and the 61st legislature by December 1, 2008.

NEW SECTION. **Section 2. Appropriation.** There is appropriated from the general fund to the legislative services division for the biennium ending June 30, 2009, \$350,000 for the purposes of the study required in [section 1].

NEW SECTION. **Section 3. 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.

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2007.

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