

SENATE JOINT RESOLUTION NO. 24

INTRODUCED BY D. SANDS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF SEXUAL ASSAULT IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 65TH LEGISLATURE.

WHEREAS, the Centers for Disease Control and Prevention reported in a 2010 survey of intimate partner and sexual violence that nearly 1 in 5 women and 1 in 71 men have been raped at some time in their lives and the United States Department of Justice reports that American Indians are 2.5 times more likely to experience sexual assault crimes than other races and that 1 in 3 American Indian women reports having been raped or having been the victim of an attempted rape in her lifetime; and

WHEREAS, the Montana Legislature has not had the opportunity to conduct a comprehensive and thorough review of Montana's sexual assault criminal code, regulations, and policies as individual statute changes have been made over the years by each legislative body; and

WHEREAS, the Montana Legislature recognizes the importance of agency, organizational, and citizen cooperation in preventing and responding to sexual violence in our communities.

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

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine sexual assault in Montana. The study should consider:

- (1) current sexual assault criminal statutes, including state and federal code related to the investigation of, charging of, criminal proceedings related to, and sentencing of sexual assault-related crimes;
- (2) current policies and practices of local, state, and public university law enforcement entities and the county attorneys' offices concerning investigating and prosecuting sexual assault crimes, as well as whether the entities and offices have adequate resources to investigate and prosecute sexual assault;
- (3) societal attitudes and myths surrounding sexual assault and ways to better educate the public and potential jurors to overcome improper societal attitudes, improve victim experience, and promote a corresponding



1 rise in convictions;

2 (4) whether and to what extent best-practices training is available to responding agencies, including but
3 not limited to law enforcement, prosecution, corrections, judicial, and victim advocate agencies, as well as the
4 opportunity to develop specialized training for sexual assault response units, the use of multidisciplinary teams,
5 and the information-sharing challenges that teams face and possible solutions to those challenges;

6 (5) current corrections and law enforcement agency policies and practices concerning the treatment,
7 incarceration, registration, and supervision of offenders and emerging research on treatment for victims of sexual
8 assault;

9 (6) measures to improve understanding of the inherent difficulties within the criminal justice system in
10 responding to sexual assault; measures dedicated to reducing the prevalence of sexual assault; and tools to
11 educate and improve community response to the issue of sexual assault;

12 (7) continuing jurisdictional factors in the system's response to sexual assault crimes on Montana's
13 American Indian reservations, including coordination of the agencies involved;

14 (8) current jurisdictional factors in the system's response to sexual assault in state educational
15 institutions, including an examination of how the requirements of Title IX of the United States Education
16 Amendments of 1972 (codified at 20 U.S.C. §§ 1681-1688) interact with Montana's response; and

17 (9) the need for consistent data collection and analysis related to sexual assault in Montana, as compared
18 to other jurisdictions within the United States.

19 BE IT FURTHER RESOLVED, that the study include updates from the Montana Attorney General's Office
20 on its agreement with the United States Department of Justice and how the benefits resulting from the
21 implementation of that agreement might translate into opportunities for statewide programming.

22 BE IT FURTHER RESOLVED, that the study involve the participation of local, university, and state
23 agencies, tribal and federal governments and law enforcement agencies, advocacy organizations that work to
24 prevent sexual assault, victims' advocacy groups, and other relevant stakeholders.

25 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
26 presented to and reviewed by an appropriate committee designated by the Legislative Council.

27 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
28 requirements, be concluded prior to September 15, 2016.

29 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
30 comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

31 - END -