

SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY C. WOLKEN

BY REQUEST OF THE COMMISSION ON SENTENCING

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EXPLORE INCREASING ACCESS TO TRIBAL RESOURCES FOR TRIBAL MEMBERS WHO ARE IN THE STATE'S CRIMINAL JUSTICE SYSTEM.

WHEREAS, the Commission on Sentencing conducted a year-long study of Montana's criminal justice system, as required by Senate Bill No. 224 (Chapter 343, Laws of 2015); and

WHEREAS, the Commission was required by SB 224 to consider disparity in the criminal justice process, including but not limited to racial and ethnic disparity issues; and

WHEREAS, Montana is home to 7 American Indian reservations and 12 tribes, and American Indians/Alaska Natives make up 7% of the Montana population; and

WHEREAS, research provided to the Commission showed that American Indians account for 27% of all arrests that relate to failure to appear for court events or for violations of conditions related to community supervision; and

WHEREAS, the Commission recommends that an interim committee explore methods to increase access to tribal resources for tribal members who are in the state criminal justice system to decrease recidivism and improve outcomes for those offenders.

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, to explore how Montana could increase access to tribal resources for tribal members who are involved in the state's criminal justice system.

BE IT FURTHER RESOLVED, that the committee study how the state could:

(1) transfer tribal members who are subject to state supervision from state or county custody to tribal custody;

(2) allow tribal members to fulfill conditions of state court-ordered programming by participating in



1 programs offered by the tribes or tribal organizations; and

2 (3) create a grant program to enable the Office of the State Public Defender to enlist tribal defense  
3 attorneys in place of an appointed public defender for tribal members.

4 BE IT FURTHER RESOLVED, that the committee consider efforts to revise community supervision  
5 structures in other states with significant tribal populations.

6 BE IT FURTHER RESOLVED, that the committee consult with tribal leaders and members and involve  
7 other relevant stakeholders identified by the committee.

8 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
9 requirements, be concluded prior to September 15, 2018.

10 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
11 comments, or recommendations of the appropriate committee, be reported to the 66th Legislature.

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