

HOUSE BILL NO. 89

INTRODUCED BY K. DUDIK

BY REQUEST OF THE TASK FORCE ON STATE PUBLIC DEFENDER OPERATIONS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE OFFICE OF STATE PUBLIC DEFENDER ESTABLISH A HOLISTIC DEFENSE PILOT PROJECT; EXTENDING EXISTING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the Task Force on State Public Defender Operations was established under House Bill No. 627 (2015) to develop a long-term organizational plan for the Office of State Public Defender that will allow the office to provide effective assistance of counsel to those who qualify; and

WHEREAS, as part of its work the task force learned about holistic defense and how it is being used successfully by the Confederated Salish and Kootenai Tribes of the Flathead Nation; and

WHEREAS, holistic defense is based on a model of providing public defender services that address the underlying causes and circumstances that drive people into the criminal justice system and the consequences of that involvement by offering comprehensive legal representation, social work support, and interdisciplinary advocacy for the client; and

WHEREAS, the ultimate goal of holistic defense is to reduce recidivism, keep individuals from becoming stuck in revolving doors within the criminal justice system because of social and economic stresses, mitigate the collateral consequences for families and communities, and save taxpayer dollars in the long term; and

WHEREAS, the task force determined that a pilot project would help determine the merits of using a holistic defense approach in Montana's public defender system.

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

**NEW SECTION. Section 1. Holistic defense pilot project.** (1) The office shall establish a holistic defense pilot project WITHIN EXISTING RESOURCES as provided in this section.

(2) (A) The pilot project must be established in UP TO four public defender offices, ~~located in communities that are a representative cross-section of Montana's population demographically and geographically.~~

(B) THE FIRST TWO HOLISTIC DEFENSE PILOT PROJECT LOCATIONS ESTABLISHED PURSUANT TO THIS SECTION



1 MUST BE IN REGIONS WHERE A SOCIAL WORKER OR RESOURCE ADVOCATE HAS ALREADY BEEN HIRED PURSUANT TO THE  
2 REGULAR WORKLOAD WITHIN THE REGION.

3 (3) The pilot project must be based on accepted best practices for holistic defense and the following four  
4 pillars of holistic defense:

5 (a) seamless access to legal and nonlegal services that meet client legal and social support needs;

6 (b) dynamic interdisciplinary communication;

7 (c) advocates with interdisciplinary skill sets; and

8 (d) a robust understanding of and connection to the community served.

9 (4) (a) The pilot project must involve the establishment in the participating offices of an interdisciplinary  
10 team that provides a comprehensive client-centered approach to address a client's legal needs as well as any  
11 underlying social concerns that may have contributed to the client's involvement in the criminal justice system.

12 (b) As needed and appropriate, the interdisciplinary team may include:

13 (i) a public defender;

14 (ii) a social worker;

15 (iii) an investigator;

16 (iv) a paralegal; and

17 (v) support staff.

18 (5) To provide for sound analysis and evaluation of pilot project outcomes, the office shall:

19 (a) establish a set of performance criteria that will be evaluated and a plan for how the criteria will be  
20 evaluated;

21 (b) ensure that there is a baseline level of data on each of the criteria to be evaluated; and

22 (c) ensure that a community assessment is done to form the basis of the holistic defense approach in  
23 each of the communities participating in the pilot project.

24 (6) The office shall seek any grant funding and any technical assistance that may be available for holistic  
25 defense programs.

26 (7) The office shall provide a report on the pilot project each interim to the law and justice interim  
27 committee established in 5-5-226. The report must cover the project's status, evaluation plan, and any  
28 measurable outcomes.

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30 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

1 integral part of Title 47, chapter 1, part 1, and the provisions of Title 47, chapter 1, part 1, apply to [section 1].

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2017.

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5 NEW SECTION. **Section 4. Termination.** [This act] terminates June 30, 2019.

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