

HOUSE BILL NO. 110

INTRODUCED BY R. LYNCH

BY REQUEST OF THE SUPREME COURT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PRETRIAL PROGRAM ADMINISTERED BY THE OFFICE OF COURT ADMINISTRATOR; EXPANDING THE PROGRAM TO INCLUDE MISDEMEANOR DEFENDANTS; ELIMINATING THE REQUIREMENT FOR THE PROGRAM TO USE A DANGEROUSNESS OR LETHALITY ASSESSMENT; AMENDING SECTION 3-1-708, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 3-1-708, MCA, is amended to read:

**"3-1-708. Pretrial program -- rulemaking.** (1) Within the limits of available funds, the office of court administrator shall develop and administer a pretrial program for misdemeanor or felony defendants that includes the use of:

~~—— (a) a validated pretrial risk assessment tool; and~~  
~~—— (b) a dangerousness or lethality assessment for individuals charged with an offense of partner or family member assault.~~

(2) The office of court administrator may use program funds to:

- (a) develop, implement, and administer the pretrial program; and
- (b) make allocations to counties or nonprofit organizations contracting with a county to provide pretrial services.

(3) Allocated funds may be used for pretrial services staff, to obtain assessment instruments, and to provide supervision of pretrial misdemeanor or felony defendants.

(4) In administering the pretrial program, the office shall:

- (a) identify priorities for funding services and activities and the criteria for the allocation of program funds, including that courts accepting funds shall use a validated risk assessment tool to assign release conditions and determine placement options;
- (b) monitor the expenditure of funds by counties and organizations receiving funds under this section;

- 1 (c) evaluate the effectiveness of services and activities under this section;
- 2 (d) establish an advisory council that includes local and district court judges and other stakeholders to
- 3 provide guidance to the office; and
- 4 (e) develop policies and procedures necessary to implement this section, subject to approval of the
- 5 supreme court.
- 6 (5) (a) Funds available under subsection (1) consist of state appropriations and federal funds received
- 7 by the office for the purposes of administering the pretrial program or any funds received pursuant to subsection
- 8 (5)(b).
- 9 (b) The office may accept gifts, grants, and donations from other public or private sources, which must
- 10 be used within the scope of this section."

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12 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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