

1 SENATE JOINT RESOLUTION NO. 19

2 INTRODUCED BY D. SANDS

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF THE MONTANA SEXUAL AND VIOLENT OFFENDER
6 REGISTRY.

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8 WHEREAS, Montana established a registry for sexual offenders in 1989 and has regularly revised and
9 expanded the authorizing statutes in the subsequent 3 decades in response to federal enactments as well as
10 state legislative priorities; and

11 WHEREAS, the registry now includes information on sexual and violent offenders and provides the public
12 access to the data on an internet website maintained by the Department of Justice; and

13 WHEREAS, Montana is currently out of compliance with the federal Sex Offender Registration and
14 Notification Act (SORNA), in part because the state classifies its offenders by risk of reoffense rather than by the
15 offense for which the offender was convicted as is required by federal law; and

16 WHEREAS, not all offenders on the registry have been assigned risk tier levels as required by state law,
17 though the state has made progress in reducing those number of offenders without a designated tier level; and

18 WHEREAS, noncompliance with SORNA meant Montana lost \$59,000 in 2017 federal JAG Byrne grant
19 funds and \$60,000 in 2018 funds as a penalty; and

20 WHEREAS, while the Law and Justice Interim Committee has discussed the state sex offender and
21 violent offender registry during at least two interims and the Legislative Audit Division performed an information
22 systems audit of the registry in 2011, the registry structure, purpose, and effectiveness have not undergone a
23 thorough legislative review for years; and

24 WHEREAS, the Legislature must strike the delicate balance between preserving public safety and
25 ensuring state policies for sex offender management provide an effective and efficient use of state resources.

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

29 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
30 section 5-5-217, MCA, or direct sufficient staff resources to study the Montana Sexual and Violent Offender

1 Registry program.

2 BE IT FURTHER RESOLVED, that the study review:

3 (1) the statutes and case law governing sentencing, registration, and monitoring of sexual offenders;

4 (2) information made available to the public and law enforcement regarding sexual offenders;

5 (3) the effectiveness of a tiered classification system based on the risk of reoffense compared to the
6 effectiveness of an offense-based classification system;

7 (4) methods to reduce and eliminate recidivism by individuals convicted of a sexual offense; ~~and~~

8 (5) METHODS AND PRACTICE FOR REMOVAL FROM THE SEXUAL AND VIOLENT OFFENDER REGISTRY; AND

9 ~~(5)(6)~~ options for postsentence appeals concerning the registry status of a sexual offender.

10 BE IT FURTHER RESOLVED, that the study include:

11 (1) a review of the risk assessment, treatment, and management of sexual offenders in prison and
12 community settings; and

13 (2) victim and survivor needs and services, as well as community education methods.

14 BE IT FURTHER RESOLVED, that the study incorporate information and comment from appropriate
15 stakeholders, including the Department of Justice, the Department of Corrections, local law enforcement, victims
16 and survivors of sexual offenses, sex offender treatment providers, civil rights advocates, COUNTY ATTORNEYS,
17 and advocates for offenders and their families.

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

20 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
21 requirements, be concluded prior to September 15, 2020.

22 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
23 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

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