



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

SPONSOR'S REBUTTAL TO FISCAL NOTE

House Bill Number: HB 583

Date Prepared: March 31, 2021

Short Title: Generally revise criminal justice laws

Sponsor: Kerri Seekins-Crowe

Generally, why do you disagree with the fiscal note?

According to the DOC biennial report their mission, vision & goals include "(1) promote positive changes in offender behavior & reintegrate offenders into the community AND (2) increase offender success and reduce recidivism."

The flaws in the fiscal note are:

- (1) The fiscal note states that "good time" is being calculated. It is not. It is "earned time." It may be labor intensive to track, but it is much less expensive to have low-risk offenders at home with education and job skills participating in their families and communities, than have them warehoused in prison with no incentive or reason to better themselves.
- (2) DOC currently has 13 employees in the records department. They do not need five more to indicate quarterly whether or not an inmate has taken education classes or participated in a work program.
- (3) This bill does not allow sexual and violent felony offenders to receive parole eligibility. They are excluded. Also, the offenders are not guaranteed early release. Earned time only allows them to go before the parole board sooner. No more staff is needed for additional victim notification. Those who are not on a life sentence may be getting out a bit earlier but that does not take additional staff for victim notification.
- (4) According to the DOC policy directive, "Upon intake or initial evaluation at a facility, an offender may be required to complete an assessment to determine educational skill level. Upon completion of assessments, adult offenders who have not attained a high school diploma or HiSet may be placed in education programming or program waiting list." DOC should already be providing education programs at all prisons so therefore an educational assessment should be standard procedure for those inmates who desire to enhance their education levels. DOC currently offers high school diploma or the equivalency. But 60% of those who don't have a high school diploma don't even have an 8th grade education. The 10 FTE educators are for this level of education.
- (5) DOC states that offenders must meet the facilities education requirements to be eligible for work assignments. However, how can offenders be eligible if they don't have enough education to even qualify for the available education programs in the prison?
- (6) The DOC did NOT want a pilot program with their prisons and community colleges. They specifically requested that I pull the bill that would have started the ball rolling to address offenders with education credits to continue. However, offenders with education credits currently do have the ability to continue their educations at a few facilities if they pay for it. I also left in earned time for work credits to help ensure that there is always a path forward for anyone determined to better themselves.
- (7) The start date was moved to Jan. 1, 2022 to help accommodate the implementation. I was told that date would be sufficient to be able to begin tracking earned time. There are already technology solutions to help track earned time. The private sector would be able to figure out how to track earned time by Jan. 1, 2022. The public sector should be able to do the same. Education and the incentive to become educated should be top priorities according to the DOCs own mission, values and goals.
- (8) The amended bill only includes correctional officers if the facility offers the program. If would be willing to amend that out.
- (9) The DOC states in its policies that "offenders in education programs with qualifying disabilities may be provided reasonable accommodations in accordance with DOC Policy. Of the 10 FTE requested, I was told that a couple of them were for specifically for those who have intellectual or physical limitations. If there currently are not reasonable accommodations that are feasible, the prisons need to update their own accommodations to meet their own policies. This should be prioritized within DOCs current budget.

Sponsor Signature:

A handwritten signature in blue ink, appearing to read "Kerri Seekins-Crowe", written over a horizontal line.