

## 1 SENATE BILL NO. 47

2 INTRODUCED BY R. LYNCH

3 BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COMMITMENTS TO THE  
6 DEPARTMENT OF CORRECTIONS; REQUIRING THE DEPARTMENT TO NOTIFY A SENTENCING JUDGE  
7 WHEN THE DEPARTMENT IS UNABLE TO HONOR THE JUDGE'S PLACEMENT RECOMMENDATION;  
8 AND REQUIRING THE DEPARTMENT TO COLLECT, ~~AND ANALYZE, AND REPORT~~ CERTAIN DATA."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
1112 NEW SECTION. Section 1. Commitments to department -- report to sentencing court -- data. (1)

13 If the department does not honor a placement recommendation made by a district court judge when the judge  
14 sentences an offender pursuant to 46-18-201(3)(a)(iv), (3)(a)(vi), or (3)(a)(vii) and includes a placement  
15 recommendation, the department shall provide A RATIONALE FOR THE PLACEMENT AND written notice to the  
16 sentencing court within 40 days after the placement decision.

17 (2) The department shall collect and analyze data on:

18 (a) court placement recommendations and department placement decisions for offenders sentenced  
19 pursuant to 46-18-201(3)(a)(iv), (3)(a)(vi), or (3)(a)(vii); and

20 (b) the number and type of new criminal offenses committed by offenders under the department's  
21 supervision.

22 (3) (A) The BEGINNING SEPTEMBER 1, 2022, THE department shall collect data ~~on new criminal offenses~~  
23 ~~committed by offenders under the department's supervision retroactively to January 1, 2015~~ AND REPORT NO  
24 LATER THAN SEPTEMBER 1 OF EACH YEAR TO THE LAW AND JUSTICE INTERIM COMMITTEE AND THE CRIMINAL JUSTICE  
25 OVERSIGHT COUNCIL ON OFFENDERS WHO WERE UNDER THE DEPARTMENT'S SUPERVISION DURING THE PREVIOUS  
26 FISCAL YEAR AND WERE:

27 (I) CONVICTED OF A NEW FELONY OFFENSE; OR28 (II) REVOKED FOR A VIOLATION OF THE TERMS AND CONDITIONS OF A SUSPENDED OR DEFERRED SENTENCE

1 AND THE VIOLATION:

2 (A) IS A COMPLIANCE VIOLATION AS DEFINED IN 46-18-203; OR

3 (B) IS NOT A COMPLIANCE VIOLATION AS DEFINED IN 46-18-203.

4 (B) THE REPORT MUST INCLUDE THE CRIMINAL HISTORY OF THE OFFENDERS AND THE OFFENSES OR  
5 VIOLATIONS THAT TRIGGERED THE REPORT.

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7 NEW SECTION. SECTION 2. — TRANSITION. No LATER THAN SEPTEMBER 1, 2021, THE DEPARTMENT OF  
8 CORRECTIONS SHALL REPORT TO THE LAW AND JUSTICE INTERIM COMMITTEE AND THE CRIMINAL JUSTICE OVERSIGHT  
9 COUNCIL WITH THE DATA REQUIRED BY [SECTION 1(3)] FOR OFFENDERS WHO WERE UNDER THE DEPARTMENT'S  
10 SUPERVISION BETWEEN JANUARY 1, 2015, AND JULY 1, 2021.

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12 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an  
13 integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [section  
14 1].

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