



AN ACT REVISING LAWS RELATED TO COMMITMENTS TO THE DEPARTMENT OF CORRECTIONS; REQUIRING THE DEPARTMENT TO NOTIFY A SENTENCING JUDGE WHEN THE DEPARTMENT IS UNABLE TO HONOR THE JUDGE'S PLACEMENT RECOMMENDATION; AND REQUIRING THE DEPARTMENT TO COLLECT, ANALYZE, AND REPORT CERTAIN DATA.

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

Section 1. Commitments to department -- report to sentencing court -- data. (1) If the department does not honor a placement recommendation made by a district court judge when the judge sentences an offender pursuant to 46-18-201(3)(a)(iv), (3)(a)(vi), or (3)(a)(vii) and includes a placement recommendation, the department shall provide a rationale for the placement and written notice to the sentencing court within 40 days after the placement decision.

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

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

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

(3) (a) Beginning September 1, 2022, the department shall collect data and report no later than September 1 of each year to the law and justice interim committee and the criminal justice oversight council on offenders who were under the department's supervision during the previous fiscal year and were:

(i) convicted of a new felony offense; or

(ii) revoked for a violation of the terms and conditions of a suspended or deferred sentence and the violation:

(A) is a compliance violation as defined in 46-18-203; or

(B) is not a compliance violation as defined in 46-18-203.

(b) The report must include the offenses or violations that triggered the report.

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

- END -

I hereby certify that the within bill,
SB 47, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 47

INTRODUCED BY R. LYNCH

BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

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