

# TREATMENT COURTS

## LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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## Background Materials and Research

**Topic Summary:** A treatment court is a specialized docket of cases that is established within an existing district court or court of limited jurisdiction and that targets specific individuals or types of drug-related offenses. Montana law defines a drug treatment court as “a court...implementing a program of incentives and sanctions intended to assist a participant to end the participant’s addiction to drugs and to cease criminal behavior associated with drug use and addiction.” Treatment courts can also focus on individuals involved in the criminal justice system who have a mental disorder. Drug treatment court types in Montana include those that specialize in adult criminal offenses related to drug use, DUI offenses, juveniles, veterans, and families with a drug-involved parent.

### Legislative Services Division Materials:

[Treatment Court 101](#) – March 2018

### Other Materials:

[Administration of Montana’s Drug Courts](#), 13P-08, Legislative Audit Division, Jan. 2015 and [Follow-Up](#) (16SP-19)

[Montana Drug Courts: An Updated Snapshot of Success and Hope](#), Judicial Branch, Jan. 2017

[Drug Court Strategic Plan: Road Map for the Future of Drug Treatment Courts in Montana](#), Judicial Branch, Oct. 2017

[List of Montana Drug Courts](#) (as posted on Judicial Branch website Aug. 31, 2018)

[Reentry Court Research: Overview of Findings from the National Institute of Justice’s Evaluation of Second Chance Act Adult Reentry Courts](#), NPC Research, Center for Court Innovation, RTI International, Dec. 2017

[Problem-Solving Courts in the 21<sup>st</sup> Century](#), Conference of State Court Administrators, 2014-2015

National Drug Court Resource Center: <https://ndcrc.org/>

## Introduced Legislation

### 2017

[House Bill No. 133](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO SENTENCING; REVISING CERTAIN DEFINITIONS; REVISING CRIMINAL HISTORY RECORD INFORMATION LAWS; EXPANDING THE TYPES OF OFFENSES FOR WHICH FINGERPRINTS MUST BE SENT TO THE STATE REPOSITORY; REVISING WHEN CERTAIN IDENTIFICATION INFORMATION MUST BE RETURNED TO AN INDIVIDUAL; CLARIFYING THE ELEMENTS NECESSARY TO SUPPORT A CRIMINAL ENDANGERMENT CHARGE; CLARIFYING THAT THE YOUTH COURT HAS JURISDICTION OF CHARGES OF ASSAULT WITH A BODILY FLUID WHEN COMMITTED BY A MINOR; LIMITING EXCEPTIONS TO MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER; REVISING THE MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER; CREATING A TIERED SENTENCING STRUCTURE FOR THEFT-BASED CRIMES; REDUCING PENALTIES FOR CERTAIN MISDEMEANORS; REDUCING PENALTIES FOR MOST DRUG OFFENSES; REVISING THE PERSISTENT FELONY OFFENDER DESIGNATION; REVISING THE REQUIREMENT FOR A CHEMICAL DEPENDENCY EDUCATION COURSE; REVISING CERTAIN DRIVING OFFENSES; REVISING DUI PENALTIES; AMENDING SECTIONS 41-5-206, 44-5-202, 45-2-101, 45-5-207, 45-5-214, 45-5-503, 45-5-507, 45-5-625, 45-6-301, 45-6-309, 45-6-316, 45-6-317, 45-6-325, 45-6-332, 45-8-101, 45-8-102, 45-8-111, 45-9-101, 45-9-102, 45-9-103, 45-9-110, 46-1-202, 46-18-201, 46-18-204, 46-18-205, 46-18-222, 46-18-231, 46-18-502, 53-1-203, 61-5-102, 61-5-208, 61-5-212, 61-6-302, 61-6-304, 61-8-407, 61-8-422, 61-8-731, AND 61-8-732, MCA; REPEALING SECTIONS 45-9-208, 45-10-108, AND 46-18-501, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill No. 45](#) – Chapter Number Assigned -- AN ACT REVISING TREATMENT COURT STRUCTURE; REVISING PROCESSES USED TO ASSIGN AN INCENTIVE OR SANCTION AN OFFENDER; ALLOWING VIOLENT OFFENDERS TO BE ELIGIBLE TO PARTICIPATE IN A DRUG TREATMENT COURT AND MENTAL HEALTH TREATMENT COURT; AND AMENDING SECTIONS 46-1-1104 AND 46-1-1204, MCA.

### 2015 and 2013

None

### 2011

[House Bill No. 69](#) -- Chapter Number Assigned -- AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE.

[House Bill No. 102](#) -- Chapter Number Assigned -- AN ACT REVISING AND CLARIFYING PROBATIONARY AND SUSPENDED DRIVER'S LICENSE PROVISIONS AND PROVISIONS RELATED TO DRIVER REHABILITATION CLASSES FOR OFFENSES OF DRIVING UNDER THE INFLUENCE; SPECIFYING DUI COURT AUTHORITY CONCERNING DRIVER'S LICENSES; AMENDING SECTIONS 61-2-302, 61-5-205, 61-5-208, AND 61-8-734, MCA; AND PROVIDING AN APPLICABILITY DATE.

**2009**

[Senate Bill No. 10](#) -- Chapter Number Assigned -- AN ACT REMOVING FROM DRUG COURT STATUTES LANGUAGE CONCERNING FEDERAL FUNDING FOR RESEARCH; AND AMENDING SECTION 46-1-1112, MCA.