

SEPTEMBER 21, 2017

Law and Justice Interim Committee (LJIC)  
Rachel Weiss, Research Analyst

# AGENCY OVERSIGHT: REVIEW OF ADVISORY COUNCILS AND REQUIRED REPORTS

## Background

As part of its agency oversight work, the LJIC may review a statutorily established advisory council or commission or a required report to determine if the entity or report should be retained or eliminated from statute. The review can be initiated by the request of any LJIC member.

At its organizational meeting in June 2017, the LJIC tentatively chose a moderate level of involvement for both the required reports and the advisory council review. Specifically, the committee requested a written overview of the current statutorily required reports and advisory councils. In addition, the LJIC wanted to receive copies of each written report and an update from the involved agency during LJIC meetings.

For the advisory council review, the LJIC requested staff survey the members to determine the advisory councils for which the members would like to receive meeting notices. Also, at the request of an LJIC member, legislative staff will provide a brief written summary of a specific council or commission, including information about the enacting statutes and the entity's operations, functions, and work products.

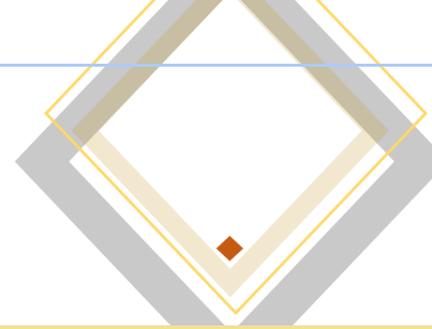
This short paper is intended to fulfill the request for background information and to help the LJIC members determine what advisory councils, if any, for which they want to receive meeting information. A short online survey will be sent out after the September 2017 meeting to gather that information.

The tables on the following pages list each report or entity along with the statute that creates the report or entity.

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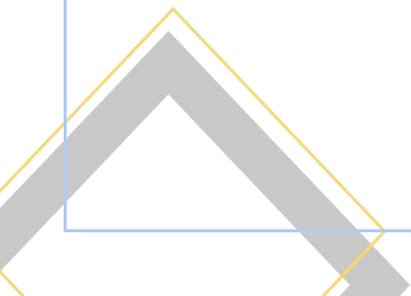
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### Required Reports

Agency and Report	Statutory Authority	Summary
Domestic Violence Fatality Review Commission report (DOJ)	Section 2-15-2017, MCA	The commission shall report its findings and recommendations in writing to the LJIC, the attorney general, the governor, and the chief justice of the Montana Supreme Court prior to each regular legislative session.
Statewide Public Safety Communications System report (DOJ)	Chapter 346, Laws of 2017 (HB 604)	Before September 1 of each year, the department shall report to the LJIC and to the legislature as provided in 5-11-210 on the department's statewide public safety communications system activities.
Montana False Claims Act report (DOJ)	Section 17-8-416, MCA	By February 15 of each year, the attorney general shall submit a report to the LJIC containing information related to the number of cases filed and settled under the Montana False Claims Act, including the total proceeds paid and cases pending that involve the state.
Multiagency Reentry Task Force report (DOC)	Section 46-23-902, MCA	Before July 1 of each even-numbered year, the task force shall report to the LJIC regarding the development, implementation, and effectiveness of reentry programs.
Compliance inspections of private correctional facilities (DOC)	Section 53-30-604, MCA	The department shall present a biennial report of compliance inspections (of private correctional facilities) to the legislature.
Criminal Justice Oversight Council (DOC)	Chapter 390, Laws of 2017 (SB 59)	Before September 1 of each even-numbered year, the council shall submit a biennial report to the governor and legislature, including a description of the council's proceedings, a summary of savings from reforms and recommendations for how savings should be reinvested, a description of performance measures and outcomes, and a narrative of progress on establishing data collection and



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Agency and Report	Statutory Authority	Summary
		uniformity standards. The council shall also report to the LJIC and Legislative Finance Committee as requested.
Criminal justice reinvestment legislation impacts (DOC)	Chapter 390, Laws of 2017 (SB 59)	By January 1 of each year, the department shall report to the legislature on the amount of savings generated and the prison population impact under criminal justice legislation resulting from the Commission on Sentencing recommendations.
Montana Incentives and Interventions Grid (MIIG) report (DOC)	Chapter 390, Laws of 2017 (SB 59)	Each biennium, the department shall aggregate data it collected about the use of the MIIG and report to the LJIC.
Quality Assurance Unit correctional program evaluation results and deficiencies (DOC)	Chapter 390, Laws of 2017 (SB 59)	Each interim, the department shall report to the LJIC the results of all initial and ongoing program evaluations to measure how closely correctional programs meet the known principles of effective intervention.
Board of Crime Control transition report (DOC)	Chapter 416, Laws of 2017 (SB 95)	The department shall report at least three times during the biennium beginning July 1, 2017, on the progress of the BOCC transition. The reports must be made to the Legislative Finance Committee, the Legislative Audit Committee, the LJIC, and the Local Government Interim Committee.
Status and performance of restorative justice grant programs (BOCC)	Section 2-15-2013, MCA (will be recodified in Title 2, chapter 15, part 23, in 2018)	The board shall report annually to the LJIC regarding the status and performance of the restorative justice grant programs. (Also: The board shall produce a biennial report summarizing the grants provided, how the grant money was spent, and the program data and information reported by grant recipients.)
Governor's report on executive clemency (Governor,	Section 46-23-316, MCA	The governor shall report to the legislature each case of remission of fine or forfeiture, respite, commutation, or pardon granted since the previous report, stating the name of the convict, the crime of

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Agency and Report	Statutory Authority	Summary
though topically related to BOPP)		which the convict was convicted, the sentence and its date, the date of remission, commutation, pardon, or respite, with the reason for granting the same, and the objection, if any, of any of the members of the board made to the action.
Report on review of administrative rules adopted prior to SB 64 from 2017 session (BOPP)	Chapter 392, Laws of 2017 (SB 64)	The BOPP shall report to the LJIC during the 2017-2018 interim at times requested by the committee on the progress and results of the required review of administrative rules adopted by the BOPP prior to May 19, 2017.
Report results of evaluations of out-of-home placements/programs/services of juveniles involved with youth probation (Judicial Branch)	Section 41-5-2003, MCA	The Office of Court Administrator shall report results of any evaluation of the effectiveness of any out-of-home placements, programs, and services used by judicial districts as part of the juvenile delinquency intervention program. The report must be provided to the DOC, the cost containment review panel, the district court council, and the LJIC.
Child abuse and neglect court diversion pilot project report (Judicial Branch)	Section 41-3-305, MCA	The court administrator shall report to the LJIC on the child abuse court diversion pilot project about the project's administration and performance.
Office of State Public Defender Director's report (OPD)	Chapter 358, Laws of 2017 (HB 77)	The director shall submit a biennial report to the governor, the supreme court, and the legislature. The director must also report to the LJIC specifically. The report must cover certain topics outlined in the statute.

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Agency and Report	Statutory Authority	Summary
Report on the termination of the Public Defender Advisory Commission (OPD)	Chapter 358, Laws of 2017 (HB 77)	By September 1, 2018, the OPD shall report to the LJIC on the status of the termination of the public defender advisory committee.
Report on holistic defense pilot project status, evaluation plan, and outcomes (OPD)	Chapter 35, Laws of 2017 (HB 89)	The OPD shall report on the pilot project each interim to the LJIC, including the project's status, evaluation plan, and any measurable outcomes.

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### Advisory Councils

Council or Commission and Agency	Statutory Authority	Membership	Legislative Member(s)?	Number of Required Meetings
Domestic Violence Fatality Review Commission (DOJ)	Section 2-15-2017, MCA	18 maximum	Yes	As necessary
Gaming Advisory Council (DOJ)	Section 2-15-2021, MCA	9	Yes	As necessary
Criminal Intelligence Information Advisory Council (DOJ)	Section 44-5-501, MCA	6	Yes	At least annually
Advisory Council on Concealed Weapons Permit Issues (Governor, with the LJIC having topical oversight of the issue)	Section 45-8-329, MCA	Interested persons appointed by the governor	Not specified	Not specified
District Court Council (Judicial Branch)	Section 3-1-1602, MCA	9	No	At least quarterly
Pretrial Supervision Advisory Council (Judicial Branch)	Chapter 390, Laws of 2017 (SB 59)	Not specified in statute but currently 8 members	Yes	Not specified

### Abbreviations

BOCC = Board of Crime Control  
BOPP = Board of Pardons and Parole  
DOC = Department of Corrections  
DOJ = Department of Justice  
OPD = Office of State Public Defender

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