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65th Montana Legislature

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TO: Committee Members
FROM: Julianne Burkhardt, Staff Attorney
RE: Administrative Rule Activity
DATE: April 24, 2018

Department of Corrections (DOC)

MAR 2018 Issue No. 7 (April 13, 2018) MAR Notice No. 20-4-64

The DOC issued a NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION regarding a new rule addressing corrections facilities that are exempt from geographic restrictions applicable to high-risk offenders. A public hearing is scheduled for May 4, 2018, at 2:00 p.m., in the small meeting room of the Lewis and Clark County Library, 120 S. Last Chance Gulch in Helena, MT.

This proposed rule fulfills the rulemaking requirement imposed by the 2015 Legislature under 45-5-513(4) and (5), MCA. Section 45-5-513, MCA, was a new section addressing geographical restrictions regarding the residences of high-risk sexual offenders. The section exempted offenders who were placed in a facility before October 1, 2015, and required the department to adopt rules specifying the types of facilities and to list the facilities to which 45-5-513, MCA, applied.

The proposed rule lists the facilities where high-risk offenders may be housed and provides that if the department seeks to exempt an offender otherwise subject to geographic restrictions and place the offender at a facility that is not listed in the proposed rule, it must first conduct a public hearing and take public comment in the community where the facility is located.