

SEPTEMBER 9, 2019

Review of Advisory Councils and Required Reports  
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.

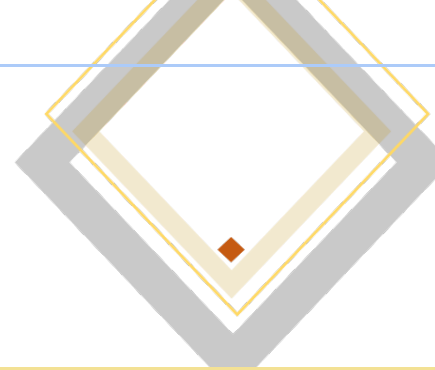
At its organizational meeting in June 2019, the LJIC chose the lowest level of involvement for both the required reports and the advisory council review. Specifically, the committee requested staff provide an overview of the current statutorily required reports and advisory councils. In addition, the LJIC wanted to receive written copies of each report. 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 overview is intended to help the LJIC members determine what advisory councils, if any, for which they want to request additional information and to understand which required reports they should expect to receive during the interim.

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

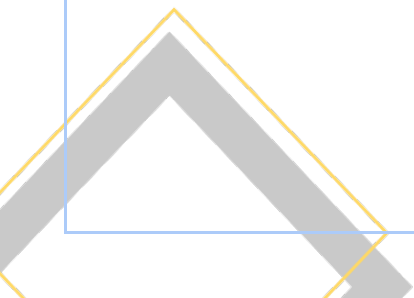
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**Required Reports**

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)	Section 44-4-1606, MCA	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.
Attorney General report on cases of childhood sexual abuse or sexual exploitation of children	Sec. 1, Chapter 367, Laws of 2019 (HB 640)	The attorney general shall report to the law and justice interim committee each year by September 1 and as provided in 5-11-210. The reports must provide aggregated information regarding the status of the cases reported by the county attorneys, including data on the total number of cases reported, the number of cases declined for prosecution, and the number of cases charged.
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.



Agency and Report	Statutory Authority	Summary
Criminal Justice Oversight Council (DOC)	Chapter 404, Laws of 2019 (HB 369)	The council shall report to the LJIC and Legislative Finance Committee as requested.
Montana Incentives and Interventions Grid (MIIG) report (DOC)	Section 46-23-1028, MCA	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)	Section 53-1-211, MCA	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.
Status and performance of restorative justice grant programs (MBCC)	Section 2-15-2013, MCA (will be recodified in Title 2, chapter 15, part 23, in 2019)	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, though topically related to BOPP)	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 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 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.

Agency and Report	Statutory Authority	Summary
Office of State Public Defender Director's report (OPD)	Section 47-1-125, MCA	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.

## 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)	Section 3-1-708, MCA	Not specified in statute but currently 8 members	Yes	Not specified

### Abbreviations

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

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