

March 30, 2020

Law and Justice Interim Committee  
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## STATUS OF 2019-2020 INTERIM STUDIES AND WORK

The Law and Justice Interim Committee (LJIC) adopted a work plan to outline its priorities for the 2019-2020 interim, including instructions for how it would complete the four interim studies assigned to it and its other required duties or chosen topics. The instructions outlined several activities and analyses to be completed as part of each study or topic. Those elements are listed below for each study. Completed study or work plan elements have a checkmark ( ✓ ) in front of them.

### HJ 31 STUDY OF THE BOARD OF CRIME CONTROL (MBCC)

The LJIC chose this study as one of its priorities for the interim, devoting about one-quarter of its staff time (FTE) to it.

#### Study Elements and Deliverables

- ✓ Legislative history of MBCC and 2017 transfer
- ✓ Legal analysis of Board's authority and legislative oversight before/after transfer
- ✓ Staff paper on current structure and functions of MBCC, existing number and functions of MBCC staff
- ✓ Staff attend MBCC meetings as possible
- Stakeholder panel(s) to discuss MBCC's work and performance before/after transfer, grant decision-making/data, and board and staff roles/authority (partially completed)
  - May meeting planned element: panel of MBCC grantees
- Staff paper on structure of other states' crime prevention planning agencies
- Study summary
- Potential legislation (none requested so far)

### HJ 36 STUDY COMPENSATION FOR WRONGFULLY CONVICTED PERSONS

The LJIC selected a lower level of involvement with this study, has completed a stakeholder panel, and requested a draft compensation bill in January 2020 for review at a later meeting.

#### Study Elements and Deliverables

- ✓ Panel discussion to review: post-exoneration experiences of individuals who were wrongfully convicted; the number and unique needs of individuals re-entering society after a wrongful conviction; and ideas for assistance and compensation types, including models from other states
- Study summary
- Potential legislation (requested in January and scheduled for LJIC review and public comment in May)
  - Preliminary draft **HJ36-1** to establish a compensation program for wrongfully convicted individuals

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## HJ 43 STUDY OF POST-CONVICTION PROCEDURES AND DNA EVIDENCE

The LJIC selected a lower level of involvement with this study, has completed a stakeholder panel, received a staff summary of state post-conviction relief laws, and requested staff provide additional legal information at a future meeting.

### Study Elements and Deliverables

- ✓ Staff summary of Montana processes and legal standards used for post-conviction appeals
- ✓ Panel discussion to review other states' models, Montana system strengths/weaknesses, stakeholders' experiences with the system
- Additional legal follow up information
- Potential legislation (none requested so far)

## SJ 19 STUDY SEXUAL AND VIOLENT OFFENDER REGISTRIES

The LJIC chose this study as one of its priorities for the interim, devoting about one-quarter of its staff time (FTE) to it.

### Study Elements and Deliverables

- ✓ Staff papers on existing statutory structures, both federal and state for sex offenders; the legislative histories of the registries; and violent offender registries in other states
- ✓ Legal review of case law governing sentencing, registration, monitoring of sex offenders
- ✓ Stakeholder panels on: current operation of registry; Montana's compliance with federal requirements for sex offender registries; the conduct of sex offender evaluations; criminal justice stakeholder perspectives on sex offender risk tiers
- Stakeholder panel(s) on possible changes to registry, elements to retain; law enforcement perspectives; victim perspectives
  - March meeting would have included law enforcement and victim perspectives and a review of recent focus groups a stakeholder organization conducted with sex offenders
- Staff research on: qualifications for sex offender evaluators in other states and current Department of Labor and Industry standards for evaluators and a legislative history for the 10-year registration requirement for violent offenders
- Final report
- Potential legislation (all requested in January and scheduled for LJIC review and public comment in May):
  - Preliminary draft **SJ19-1** to revise qualifications for psychosexual evaluators to include membership in Montana Sex Offender Treatment Association
  - Preliminary draft **SJ19-2** to eliminate the violent offender registry
  - Preliminary draft **SJ19-3** to revise the sex offender registry to make it private
  - Preliminary draft **SJ19-4** to revise tier 1 of sex offender registry to provide for automatic removal after 3 years

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## OTHER INTERIM PRIORITIES AND DUTIES

The LJIC also prioritized several of its statutory duties and other issues of interest to committee members. Agency monitoring is required of all interim committees by law. The LJIC gave significant priority to this duty, assigning it about 20% of its available staff time. The committee selected several emerging issues to study, including the long-term prospects for the state's budget and pretrial detention and diversion. The LJIC has or plans to dedicate meeting time to the following topics:

- ✓ Agency introductions
- ✓ Prison visitation, mail, and grievance policies
- ✓ Efforts to combat human trafficking
- ✓ Creation and use of drug interdiction teams
- ✓ Correctional program evaluations
- ✓ Justice Reinvestment data collection and evaluation (also ongoing)
- March meeting would have included substantial meeting time devoted to learning about national, state, and local pretrial risk assessment and diversion efforts, including a focus on detention center populations and needs
- May meeting planned elements: prison contraband update; possible update on performance audit of facilities; review of Board of Pardons and Parole data;
- Budget updates (ongoing, with training on HB 2 and supplemental budgets scheduled for July)