



Greg Gianforte, Governor | Brian M. Gootkin, Director

Aug. 29, 2022

Members of the Law and Justice Interim Committee,

The Montana Department of Corrections proposes the following agency bills for consideration by the Law and Justice Interim Committee for the 2023 Legislative Session.

1. Short Title: Repeal the regional prison actual cost formula

Purpose: Amends 53-30-507, MCA to simplify the cost reimbursement formula utilized to reimburse regional prisons.

Background: The 2021 closure of the Great Falls Regional Prison leaves the Dawson County Correctional Center as the state's only regional prison. The statutory formula governing cost reimbursements is complicated for both the state and county to administer and makes fiscal planning difficult as it is always paid in arrears due to the audit requirement in statute. Instead, the department proposes to request a reasonable per diem rate through the EPP process.

Fiscal Impact by Fund Type: No fiscal impact.

2. Short Title: Revise coroner inquest statute

Purpose: Amending 46-4-201, MCA to allow sworn peace officer (Sheriff) coroners to investigate deaths at DOC facilities.

Background: Montana counties that have a sworn peace officer (Sheriff) as coroner cannot perform inquests for deaths at DOC facilities in their counties. Instead, counties must obtain external coroner services at their own expense.

Fiscal Impact by Fund Type: No fiscal impact to DOC. Cost savings anticipated for local governments.

3. Short Title: Revise peace officer status statute

Purpose: Amends 7-32-3, MCA and 19-8-301, MCA to allow certain DOC staff to have their own DOC peace officer status.

Background: DOC criminal investigators do not have their own DOC peace officer status. This bill would revise the statute to allow DOC investigators, as well as the DOC Public Safety Chief, to have their own DOC peace officer status. The Director and Deputy Director would have optional peace officer status.

Fiscal Impact by Fund Type: No fiscal impact.

4. Short Title: Extend deadline for PSI from 30 to 60 business days

Purpose: Amend MCA to extend the length of time for a department pre-sentence investigation writer to complete a pre-sentence investigation report

Background: The 2017 Justice Reinvestment bill package contained a policy requiring the department to complete court-ordered pre-sentence investigations for felony defendants in 30 calendar days. The purpose of this change was to reduce time spent by defendants in local jails pending a sentencing hearing. This was later amended to 30 business days. The department seeks 60 days to provide a more comprehensive and informative pre-sentence investigative report. This will not prolong jail time for defendants because delays in sentencing are not driven by PSI completion, contrary to the assumption driving the 2017 policy proposal.

Fiscal Impact by Fund Type: No fiscal impact.

Thank you for your consideration of this proposed DOC legislation for the 2023 Montana Legislature. Please let us know if you have any questions or concerns.

Respectfully submitted,

Brian M. Gootkin, Director