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**** BILL NO. ****

HJ31-1

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT HJ31-1: MODEL CRIMINAL JUSTICE DATA COLLECTION BILL FOR CONSIDERATION AT THE LAW AND JUSTICE INTERIM COMMITTEE'S JUNE 27, 2022, MEETING; SIMILAR TO FLORIDA LEGISLATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Data collection -- data transparency -- statewide duty.** (1) The [WHAT AGENCY SHOULD BE RESPONSIBLE FOR DATA AGGREGATION AND PUBLICATION?] shall collect all data described in [sections 2 through 7] from all state agencies, the judicial branch, and local law enforcement.

(2) A state, county, or local reporting agency shall comply with a request from the [AGENCY] related to [sections 2 through 7].

(3) Within 2 years after the initial collection and reporting of the data elements in [sections 2 to XXX], the [AGENCY] shall identify, develop, and adopt a programming interface for submitting data electronically that will allow for the uniform collection and standardization of reporting of data on a weekly basis by reporting agencies.

(4) The [AGENCY] shall:

(a) make all data received as required in [sections 2 through 7] comparable, machine readable, transferable, and readily usable;

(b) make the database available to the public, with identifying information removed, without the necessity of a license or charge a fee;

(c) make the database available to eligible public agencies and research organizations without the necessity of a license or charge a fee;

(d) adopt administrative rules to establish how:

(i) entities subject to the requirements of [sections 2 through 7] will submit data electronically; and

1 (ii) the data is compiled, processed, structured, used, or shared.

2 (5) Data collected pursuant to [sections 2 to 7] may not be publicly disclosed in a manner that violates
3 an individual's constitutional or statutory right to privacy.

4 (6) The [AGENCY] shall coordinate with reporting agencies to create an anonymized unique identifier
5 randomly selected for each criminal case that identifies the individual who is the subject of the criminal case.
6 The unique identifier must be the same for that individual in any referral to prosecution or court case and used
7 across local and state entities for all criminal justice information for that individual.

8
9 **NEW SECTION. Section 2. Law enforcement data collection requirements.** Each local, county, or
10 state law enforcement agency shall collect and report the following data elements:

11 (1) For each arrest or citation/notice to appear summons in criminal cases:

12 (a) arrest or citation number;

13 (b) originating agency identifier;

14 (c) unique identifier for the individual arrested, cited, or given the notice to appear;

15 (d) incident date;

16 (e) action taken, including custodial arrest, noncustodial citation, summons, or notice to appear, none
17 or other;

18 (f) arrest or citation date;

19 (g) arrest or citation charge statute number;

20 (h) arrest or citation charge severity; and

21 (i) whether charges were referred to a prosecutor and the date of referral, if applicable; and

22 (2) For each individual taken into custody or issued a citation:

23 (a) full name and known aliases;

24 (b) year of birth;

25 (c) zip code of primary residence;

26 (d) race and ethnicity; and

27 (e) gender.

28

1 NEW SECTION. **Section 3. Judicial branch data collection requirements.** Each clerk of court or
2 other appropriate judicial official for each criminal case shall collect and report the following data elements:

- 3 (1) case number;
- 4 (2) unique identifier as described in [section 1];
- 5 (3) offense date;
- 6 (4) county in which the offense was committed; and
- 7 (5) arrest date;
- 8 (6) filing date;
- 9 (7) arraignment date or initial appearance;
- 10 (8) attorney assignment date;
- 11 (9) attorney withdrawal date;
- 12 (10) case status;
- 13 (11) for each defendant:
 - 14 (a) full name and known aliases;
 - 15 (b) year of birth;
 - 16 (c) age at arrest;
 - 17 (d) zip code of primary residence;
 - 18 (e) primary language;
 - 19 (f) race and ethnicity;
 - 20 (g) gender;
 - 21 (h) citizenship;
 - 22 (i) indigency status;
 - 23 (j) any habitual offender, persistent felony offender, sexual offender, or domestic violence designation;

24 and

- 25 (k) any diagnosis of mental health disorder or developmental disorder;
- 26 (12) for each formal charge filed against a defendant:
 - 27 (a) charge number;
 - 28 (b) charge description;

- 1 (c) charge statute;
- 2 (d) charge type;
- 3 (e) charge class severity;
- 4 (f) the method of disposition, including pretrial diversion, plea agreement, or trial;
- 5 (g) charge disposition date; and
- 6 (h) drug type or types for charge, if known;
- 7 (13) for each pretrial decision to release, detain, or impose monetary bail:
 - 8 (a) the pretrial release decision;
 - 9 (b) whether the court relied on a validated pretrial risk assessment tool;
 - 10 (c) if the court relied on a validated pretrial risk assessment tool, identification of the tool and risk score;
 - 11 (d) nonmonetary conditions of release;
 - 12 (e) cash bail or bond amount;
 - 13 (f) booking date and reason;
 - 14 (g) date defendant is released on bail, bond, or pretrial release; and
 - 15 (h) whether pretrial release was revoked due to a new offense, a failure to appear, or a violation of the
 - 16 terms of bail or bond;
- 17 (14) any court dates and dates of motions and appearances;
- 18 (15) defense attorney type, include public defender, private counsel, contract attorney, or self-
- 19 representation; and
- 20 (16) the following information relating to sentencing:
 - 21 (a) sentence date;
 - 22 (b) charge sentenced to, charge number, charge description, statute, type, and charge class severity;
 - 23 (c) sentence type;
 - 24 (d) sentence length;
 - 25 (e) sentence conditions;
 - 26 (f) any time served credit and length;
 - 27 (g) amount of court fees;
 - 28 (h) court fees payment to date;

- 1 (i) fine amount;
- 2 (j) fine amount balance or payment to date; and
- 3 (k) restitution amount ordered, amount collected, and amount paid to victim.

4

5 **NEW SECTION. Section 4. County attorney data collection requirements.** Each county attorney

6 shall collect and report the following data elements for every investigation or criminal charge brought:

7 (1) for each case screened:

- 8 (a) case number;
- 9 (b) name;
- 10 (c) date of birth;
- 11 (d) charge referral date;
- 12 (e) charge screening decision date; and
- 13 (f) charge screening decision, including declined for prosecution, no information filed, filed, pretrial
- 14 diversion, deferred prosecution agreement;

15 (2) for each case sent to pretrial diversion or deferred prosecution:

- 16 (a) pretrial diversion or deferred prosecution date; and
- 17 (b) the outcome of a pretrial diversion or deferred prosecution agreement;

18 (3) for each case filed:

- 19 (a) charge number;
- 20 (b) charge description;
- 21 (c) charge statute;
- 22 (d) charge type;
- 23 (e) charge class severity;
- 24 (f) date of plea offer and description of plea offer;
- 25 (g) date of adjudication if taken to trial; and
- 26 (h) action that initiated the case referral, including arrest, warrant issued, sworn complaint, citation,
- 27 summons, or promise to appear, or other;

28 (4) for each human victim of a crime of violence:

- 1 (a) race and ethnicity;
- 2 (b) gender;
- 3 (c) age; and
- 4 (d) relationship to defendant;
- 5 (5) number of fulltime prosecutors;
- 6 (6) number of parttime prosecutors;
- 7 (7) annual felony caseload; and
- 8 (8) annual misdemeanor caseload.

9

10 **NEW SECTION. Section 5. Public defender data collection requirements.** The office of state
11 public defender shall collect and report the following data elements:

12 (1) for each criminal case, whether the client was represented by a public defender or a contract
13 attorney:

- 14 (a) case number;
- 15 (b) name;
- 16 (c) date of birth;
- 17 (d) charge description, type, and severity;
- 18 (e) attorney assignment date;
- 19 (f) attorney withdrawal date;
- 20 (g) reason for withdrawal;
- 21 (h) dates for all meetings with client;
- 22 (i) method for all meetings with client, including but not limited to in-person, phone call, or video
23 conference;
- 24 (j) place of a meetings with client including but not limited to a detention center, public defender's office,
25 client's home, or a courthouse;
- 26 (k) case outcome including sentence imposed; and
- 27 (l) date of plea offer and description of plea offer;
- 28 (2) number of fulltime public defenders and contract attorneys representing indigent clients;

- 1 (3) number of parttime public defenders and contract attorneys representing indigent clients;
- 2 (4) annual felony caseload for the average public defender; and
- 3 (5) annual misdemeanor caseload for the average public defender;

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5 **NEW SECTION. Section 6. County detention center data collection requirements.** The

6 administrator of each county detention center shall collect and report the following data elements:

- 7 (1) jail capacity;
- 8 (2) weekly admissions to the detention center for probation or parole revocations;
- 9 (3) daily and year-end detention center population;
- 10 (4) daily and year-end pretrial population;
- 11 (5) daily and year-end presentence population;
- 12 (6) daily and year-end postsentence population;
- 13 (7) daily and year-end federal and state inmates held in detention center population;
- 14 (8) per diem cost of a detention center bed;
- 15 (9) daily number of detention center staff;
- 16 (10) annual detention center budget;
- 17 (11) dates and causes of death in custody; and
- 18 (12) for each individual detained in a detention center:
 - 19 (a) booking number;
 - 20 (b) booking date;
 - 21 (c) booking reason;
 - 22 (d) monetary bond amount, if applicable;
 - 23 (e) name and known aliases;
 - 24 (f) date of birth;
 - 25 (g) release date;
 - 26 (h) release type, including but not limited to released on own recognizance, released on monetary
 - 27 bond, release after completed sentence, transferred to prison, transferred to detention center in another
 - 28 jurisdiction, or transferred to a federal custody;

- 1 (i) time served credit length;
- 2 (j) any habitual offender, persistent felony offender, sexual offender, or domestic violence designation;
- 3 and
- 4 (k) any diagnosis of mental health disorder, substance use disorder, or developmental disability.

6 **NEW SECTION. Section 7. Department of corrections data collection requirements.** The

7 department of corrections shall collect and report the following data elements:

8 (1) for each individual incarcerated in a state, regional, or private prison:

9 (a) full name and known aliases;

10 (b) department identification number;

11 (c) year of birth;

12 (d) race and ethnicity;

13 (e) number of children;

14 (f) education level;

15 (g) admission date;

16 (h) admission type;

17 (i) whether the reason for admission is for a new conviction or a probation or parole violation;

18 (j) if for a probation or parole violation, whether it was for a technical violation, based on a new offense,
19 or for another reason;

20 (k) any diagnosis of mental health disorder, substance use disorder, or developmental disability;

21 (l) institution and security level;

22 (m) any habitual offender, persistent felony offender, sexual offender, or domestic violence designation;

23 (n) committing county;

24 (o) offense and statute of underlying criminal act;

25 (p) whether the inmate is serving a concurrent or consecutive sentence;

26 (q) length of sentence;

27 (r) projected discharge date;

28 (s) time served in days;

- 1 (t) good conduct time earned, if any;
- 2 (u) any prior incarceration with the state;
- 3 (v) disciplinary violations and actions; and
- 4 (w) participation in rehabilitation or educational correctional programs;
- 5 (2) for each individual on probation or parole:
 - 6 (a) full name and known aliases;
 - 7 (b) department identification number;
 - 8 (c) year of birth;
 - 9 (d) race and ethnicity;
 - 10 (e) gender;
 - 11 (f) department assigned case number;
 - 12 (g) length of probation or parole sentence imposed;
 - 13 (h) length of probation or parole sentence served;
 - 14 (i) length of probation or parole release date or projected release date; and
 - 15 (j) probation or parole revocation due to technical violation or new offense;
- 16 (3) for each correctional facility:
 - 17 (a) budget;
 - 18 (b) daily facility population;
 - 19 (c) per diem cost for a facility bed;
 - 20 (d) daily number of correctional officers; and
 - 21 (e) dates and causes of deaths in custody;
- 22 (4) per diem cost for inmates in prison or on probation or parole;
- 23 (5) the yearly admissions to state prisons by offense type; and
- 24 (6) the recidivism rate of individuals released from prison, probation, or parole.

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