



AN ACT IMPLEMENTING PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF CORRECTIONS; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF STATE PUBLIC DEFENDER; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING FOR AN ADDITIONAL JUDGE TO THE 11TH AND THE 18TH JUDICIAL DISTRICTS; EXTENDING THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING BUREAU; TRANSFERRING ADMINISTRATION OF 9-1-1 FUNDS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF JUSTICE; GRANTING CONSENT TO DISCONTINUE THE CONTRACT WITH THE GREAT FALLS REGIONAL PRISON; PROVIDING NOTIFICATION OF DISCHARGE ELIGIBILITY; PROVIDING FOR A TRANSFER OF FUNDS; ALLOWING A DRIVER TO RENEW A DRIVER'S LICENSE WHEN APPLYING FOR A REAL ID-COMPLIANT LICENSE; REDUCING FEES FOR A REAL ID-COMPLIANT DRIVER'S LICENSE OR IDENTIFICATION CARD REQUESTED PRIOR TO RENEWAL; REVISING FUNDING FOR THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT; AMENDING SECTIONS 3-5-102, 10-4-101, 10-4-105, 10-4-304, 44-7-204, 46-23-1011, 61-3-103, 61-3-109, 61-3-203, 61-5-111, AND 61-5-129, MCA; AMENDING SECTION 23, CHAPTER 456, LAWS OF 2019; AND PROVIDING EFFECTIVE DATES.

WHEREAS, the Legislature is concerned with the delays associated with transferring defendants to state custody after imposition of sentence. When the Department of Corrections does not timely assume custody of defendants after sentencing, local government facilities may lack capacity to hold other persons. It is the expectation of the Legislature that the Department of Corrections will ensure that defendants sentenced for one or more felonies will not remain in a county detention facility for more than 10 business days after sentencing unless unusual circumstances arise; and

WHEREAS, with respect to the Department of Corrections, the Legislature has been advised that the vocational opportunities at the Montana Women's Prison are inadequate, particularly when compared to the offerings at the Montana State Men's Prison. The Legislature is mindful that the campuses may face different limitations in what programming may be offered based on location, footprint, and facilities; and

WHEREAS, with respect to the Department of Corrections, the Legislature is concerned with the findings of the Legislative Audit Division in 2020 that the Department of Corrections had drug treatment beds that were not fully utilized in fiscal year 2019, which resulted in a payment for failure to allow the contractor to operate at 75% capacity; and

WHEREAS, with respect to the Department of Corrections, the Legislature is concerned that the Department of Corrections has yet to fully implement statutory directives to measure the effectiveness of its programs—both those provided by the Department of Corrections employees and those provided by contractors. In 2017, the Legislature directed the Department of Corrections to conduct evaluations of programs to determine their impact on reducing recidivism. This work, in addition to other requirements in Senate Bill No. 59 (2017), appears to be unaddressed or incomplete. Moreover, the Department of Corrections' definition of recidivism is an inadequate measure for the determination of effectiveness of its programming. The Legislature is interested in having data on crimes committed by those discharged from the Department of Corrections' custody, not merely "the rate at which adult offenders return to prison in Montana for any reason within three years of their release from prison", which fails to address reentry outcomes of many individuals committed to the Department of Corrections' custody and evaluates a truncated time period; and

WHEREAS, with respect to the Office of State Public Defender, the Legislature is concerned with the findings of the Legislative Audit Division in 2020 regarding billing practices by contractors, including the failure to require the use of assistants for nonattorney tasks, and allowing contractors to work a number of hours each year that may induce attorneys to be contractors instead of the Office of State Public Defender employees; and

WHEREAS, with respect to the Office of State Public Defender, it is the sense of the Legislature that the Office of State Public Defender expends its appropriation, in part, to perform tasks that are not required by the state or federal constitution or by statutory directive, such as in section 47-1-104(4), MCA. Given limited resources and the demands on the Office of State Public Defender staff, the Legislature believes that it is incumbent on the Office of State Public Defender management to limit the scope of its work to what is required

by statute and the constitution; and

WHEREAS, with respect to the Office of State Public Defender, neither through its employees nor its contractors should the Office of State Public Defender impair the Legislature's intent to have defendants share in the costs of counsel provided by the Office of State Public Defender. The Office of State Public Defender employees and contractors should not move the court to waive assessments under section 46-8-113, MCA, unless the defendant can show a compelling reason why they cannot pay this assessment over the course of the sentence; and

WHEREAS, in House Bill No. 640 (2019), the Legislature established a mechanism to ensure that sexual abuse reports generated by those with mandatory reporting responsibilities are provided to county attorneys and that county attorneys report to the Attorney General on the status of the investigations and prosecutions generated from these referrals. It is the sense of the Legislature that the Department of Justice has not undertaken a thorough review of the reports generated pursuant to section 41-3-210(3), MCA, and the Legislature urges the Department of Justice to do so; and

WHEREAS, the Legislature has taken a number of steps to strengthen the laws and investigative response to address human trafficking and sexual exploitation of minors. Given the collective commitment in the legislative and executive branches to combat these crimes, the Legislature needs greater clarity on whether its appropriations and statutory changes are having an impact; and

WHEREAS, the Legislature expresses its concern that the backlog of testing on sexual assault kits must be eliminated as soon as possible; and

WHEREAS, the definition of recidivism utilized by the judicial branch in evaluating the effectiveness of treatment courts is different than the definition used by the Department of Corrections for its programming, making it difficult to compare the effectiveness of treatment courts to in-patient treatment. It is the sense of the Legislature that a single definition of recidivism would make it possible to have a consistent evaluation of effectiveness; and

WHEREAS, the Legislature believes that expungement of a conviction for driving under the influence of drugs or alcohol will impair the correctional and public safety goals that the Legislature aims to achieve through the Section D appropriation.

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

Section 1. Department of corrections to report. (1) Beginning July 1, 2021, and each quarter of the 2023 biennium, the department of corrections shall report, in accordance with 5-11-210, to the law and justice interim committee and the legislative finance committee on the utilization of drug treatment beds and any payments made to contractors for the failure to allow the contractor to operate at 75% capacity.

(2) The department of corrections shall report to the law and justice interim committee and the legislative finance committee no later than September 1, 2022, on the rental voucher program to identify:

- (a) where the voucher program is being utilized based on the location of expenditures; and
- (b) the strengths and weaknesses of the program as identified by the department.

(3) The department of corrections shall examine additional vocational programming options for the Montana women's prison and report its findings to the law and justice interim committee and the legislative finance committee no later than September 1, 2022.

(4) Beginning July 1, 2021, and each quarter of the 2023 biennium, for the quarter preceding the report, the department of corrections shall report to the law and justice interim committee and the legislative finance committee on:

(a) the number of occasions a defendant sentenced for one or more felonies remained in a county detention facility for more than 10 business days after sentencing;

(b) the names of the defendants who remained in a county detention facility for more than 10 business days after sentencing and the county detention facility in which they were held; and

(c) for those defendants remaining in a county detention facility for more than 10 business days after sentencing, on the relevant facts leading to the delay in transfer out of the facility and whether the delay is attributable to untimely receipt of a judgment or other sentencing documents from the judicial branch.

(5) No later than September 1, 2022, for offenders who were under the department's supervision or in the department's custody between July 1, 2015, and July 1, 2021, the department of corrections shall report to the law and justice interim committee and the criminal justice oversight council the identity, criminal history, including the crimes or violations requiring the report, and correctional institution history of individuals:

- (a) who were sentenced for a felony offense between July 1, 2021, and June 30, 2022; or

(b) whose sentences were revoked for a violation of the terms and conditions of a suspended or deferred sentence between July 1, 2021, and June 30, 2022, excluding a violation that is not a compliance violation as defined in 46-18-203.

Section 2. The office of state public defender to report. (1) By July 1, 2021, the office of state public defender shall report to the legislative finance committee on what measures it is taking in fiscal years 2022 and 2023 to ensure that its employees are accurately and completely making time entries that demonstrate how much time is:

(a) dedicated to core tasks;

(b) spent on specific cases; and

(c) spent on tasks other than those required to meet the constitutional requirement to provide counsel for individuals not financially able to afford counsel for crimes if jail or prison time may be the punishment if convicted.

(2) By July 1, 2021, the office of state public defender shall report to the legislative finance committee on what it will do in fiscal years 2022 and 2023 to address the concerns identified by the legislative audit division in 2020 regarding billing practices by contractors, including the failure to require the use of assistants for nonattorney tasks, and allowing contractors to work a number of hours each year that may induce attorneys to be contractors instead of the office of state public defender employees.

(3) No later than August 1, 2022, the office of state public defender shall report to the legislative finance committee on the tasks performed by attorneys and nonattorneys in fiscal year 2022 that were not required by statute or constitutional requirement and the amount of time dedicated to that work.

(4) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on whether funding from Title IV-E of the Social Security Act provided all funding needed to provide legal representation for children and parents in child abuse and neglect proceedings in fiscal year 2022 and, if not, what necessary expenditures were made from other appropriated funds.

(5) The office of state public defender shall identify data needs for measuring agency performance and establish data-based performance measurements and targets and shall report to the legislative finance committee on these needs and measurements by September 1, 2022.

(6) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on the cases in fiscal year 2022 in which it moved for waiver of the assessment and the basis for the motion.

(7) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on the time spent by employees and contractors in cases involving defendants in treatment courts in the preceding fiscal year for each defendant. The report must report on each defendant without identifying the defendant by name for each district court or court of limited jurisdiction.

(8) No later than September 1, 2022, the office of state public defender shall report to the legislative finance committee on the time spent by employees and contractors in cases involving defendants in capital cases in fiscal year 2022 for each defendant.

Section 3. Department of justice to report. (1) The department shall undertake a thorough review of the reports generated pursuant to 41-3-210(3) and report to the law and justice interim committee and the legislative finance committee no later than August 1, 2021, on the status of reporting by county attorneys since the initial report deadline identified in House Bill No. 640 (2019) and its review of the county attorney reports and overall assessment of the law enforcement and prosecutorial response to reports from mandatory reporters.

(2) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on the number of human trafficking investigations initiated by the department of justice in fiscal years 2021 and 2022 and the number of prosecutions generated from the investigations. The report must also include information on the sentences imposed for convictions obtained as a result of these prosecutions, including the names of the defendants and the crimes for which convictions were obtained.

(3) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on the number of referrals to ICAC-funded programs in fiscal years 2021 and 2022 and the number of investigations initiated in response. The report must also include information on prosecutions initiated in fiscal years 2021 and 2022 as the result of these investigations and the sentences imposed for convictions obtained as a result of these prosecutions.

(4) The legislature expresses its concern that the backlog of testing on sexual assault kits must be eliminated as soon as possible. It has provided one-time-only funding in fiscal years 2022 and 2023 to provide additional resources to the department of justice to complete this work. No later than September 1, 2022, the department shall report to the legislative finance committee on the number of sexual assault kits evaluated in fiscal year 2022 and the work remaining to eliminate any backlog.

(5) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on how many offenders have had their convictions expunged since the passage of [this act] through a treatment court and what the underlying crime was for.

Section 4. Office of court administrator to report. Each quarter of the fiscal year, the office of court administrator shall report to the law and justice interim committee and the legislative finance committee on the number of civil cases that have been pending for more than 2 years by judicial district. The report must identify:

- (1) the judicial district;
- (2) the number of cases in that district that are pending for more than 2 years but less than 3 years;
- (3) the number of cases in that district that are pending for more than 3 years but less than 4 years;
- (4) the number of cases in that district that are pending for more than 4 years but less than 5 years;

and

- (5) the number of cases in that district that are pending for more than 5 years.

Section 5. Legislative intent. It is the intent of the legislature that the judicial branch confer with the Montana state library and other states' law libraries to evaluate whether a fee for service model would be appropriate given the services offered by the state law library.

Section 6. Section 3-5-102, MCA, is amended to read:

"3-5-102. Number of judges. In each judicial district, there must be the following number of judges of the district court:

- (1) in the 2nd, 7th, 16th, 20th, and 21st districts, two judges each;
- ~~(2) in the 18th district, three judges;~~

~~(3)~~(2) in the 1st, 8th, ~~and 11th, and 18th~~ districts, four judges each;

(4)(3) in the 4th ~~district and 11th districts~~, five judges;

~~(5)~~(4) in the 13th district, eight judges; and

~~(6)~~(5) in all other districts, one judge each."

Section 7. Appointment and election of judges. (1) The additional judge for the 18th judicial district must be appointed pursuant to the provisions of Title 3, chapter 1, part 10, to take office January 3, 2022. The appointee shall serve until the day before the first Monday of January following the first general election after appointment. The candidate elected at that election holds the office for the remainder of the unexpired 6-year term.

(2) The additional judge for the 11th judicial district must be elected to take office January 2, 2023.

Section 8. Authority to discontinue use. The legislature provides consent for the department of corrections to discontinue the use of the Great Falls regional prison in accordance with 53-1-202(4).

Section 9. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "9-1-1 system" means telecommunications facilities, circuits, equipment, devices, software, and associated contracted services for the transmission of emergency communications. A 9-1-1 system includes the transmission of emergency communications:

(a) from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, and transfer of emergency communications; and

(b) to or from a public safety answering point to or from emergency service units.

(2) "Access line" means a voice service of a provider of exchange access services, a wireless provider, or a provider of interconnected voice over IP service that has enabled and activated service for its subscriber to contact a public safety answering point via a 9-1-1 system by entering or dialing the digits 9-1-1. When the service has the capacity, as enabled and activated by a provider, to make more than one

simultaneous outbound 9-1-1 call, then each separate simultaneous outbound call, voice channel, or other capacity constitutes a separate access line.

(3) "Commercial mobile radio service" means:

(a) a mobile service that is:

(i) provided for profit with the intent of receiving compensation or monetary gain;

(ii) an interconnected service; and

(iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or

(b) a mobile service that is the functional equivalent of a mobile service described in subsection

(3)(a).

(4) "Department" means the department of ~~administration~~ justice provided for in Title 2, chapter 15, part ~~40~~ 20.

(5) "Emergency communications" means any form of communication requesting any type of emergency services by contacting a public safety answering point through a 9-1-1 system, including voice, nonvoice, or video communications, as well as transmission of any text message or analog digital data.

(6) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

(7) "Exchange access services" means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) unless a separate tariff rate is charged for the exchange access lines or channels, a facility or service provided in connection with the services described in subsection (7)(a).

(8) "Interconnected voice over IP service" means a service that:

(a) enables real-time, two-way voice communications;

(b) requires a broadband connection from a user's location;

(c) requires IP-compatible customer premises equipment; and

(d) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(9) "IP" means internet protocol, or the method by which data are sent on the internet, or a communications protocol for computers connected to a network, especially the internet.

(10) "Local government" has the meaning provided in 7-11-1002.

(11) "Next-generation 9-1-1" means a system composed of hardware, software, data, and operational policies and procedures that:

(a) provides standardized interfaces from call and message services;

(b) processes all types of emergency calls, including nonvoice or multimedia messages;

(c) acquires and integrates additional data useful to emergency communications;

(d) delivers the emergency communications or messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities;

(e) supports data and communications needs for coordinated incident response and management;

and

(f) provides a secure environment for emergency communications.

(12) "Originating service provider" means an entity that provides capability for a retail customer to initiate emergency communications.

(13) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a county according to the most recent decennial census compiled by the United States bureau of the census.

(14) "Private safety agency" means an entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

(15) "Provider" means a public utility, a cooperative telephone company, a wireless provider, a provider of interconnected voice over IP service, a provider of exchange access services, or any other entity that provides access lines.

(16) "Public safety agency" means a functional division of a local or tribal government or the state that dispatches or provides law enforcement, firefighting, or emergency medical services or other emergency services.

(17) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives emergency communications from persons requesting emergency services and that may, as

appropriate, directly dispatch emergency services or transfer or relay the emergency communications to appropriate public safety agencies.

(18) "Relay" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.

(19) "Subscriber" means an end user who has an access line or who contracts with a wireless provider for commercial mobile radio services.

(20) "Transfer" means a service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other emergency services provider.

(21) "Tribal government" has the meaning provided in 2-15-141.

(22) "Wireless provider" means an entity that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."

Section 10. Section 10-4-105, MCA, is amended to read:

"10-4-105. 9-1-1 advisory council. (1) There is a 9-1-1 advisory council.

(2) The council consists of 18 members appointed by the governor as follows:

(a) ~~the director of the department or the director's attorney general or the attorney general's~~ designee, who serves as presiding officer of the council;

(b) a representative of the department of justice, Montana highway patrol;

(c) a representative of the Montana emergency medical services association;

(d) three representatives of Montana telecommunications providers, including at least one wireless provider;

(e) a representative of the Montana association of public safety communications officials;

(f) two public safety answering point managers, one serving a population of less than 30,000 and one serving a population of greater than 30,000;

(g) a representative of the department of military affairs, disaster and emergency services division;

- (h) a representative of the Montana association of chiefs of police;
 - (i) a representative of the Montana sheriffs and peace officers association;
 - (j) a representative of the Montana state fire chiefs' association;
 - (k) a representative of the Montana state volunteer firefighters association;
 - (l) a representative of the Montana association of counties;
 - (m) a representative of the Montana league of cities and towns;
 - (n) the state librarian or the state librarian's designee; and
 - (o) the state director of Indian affairs provided for in 2-15-217.
- (3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.
- (4) The council shall, within its authorized budget, hold quarterly meetings.
- (5) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503."

Section 11. Section 10-4-304, MCA, is amended to read:

"10-4-304. Establishment of 9-1-1 accounts. (1) Beginning July 1, 2018, there is established in the state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department or used for public safety radio communications, if allowable, are allocated as follows:

(a) 75% of the account must be deposited in an account for distribution to local and tribal government entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the department in accordance with 10-4-108; and

(b) 25% of the account must be deposited in an account for distribution in the form of grants to private telecommunications providers, local or tribal government entities that host public safety answering points, or both in accordance with 10-4-306.

(3) Beginning July 1, 2018, all money received by the department of revenue pursuant to 10-4-201

must be paid to the state treasurer for deposit in the appropriate account.

(4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts."

Section 12. Section 44-7-204, MCA, is amended to read:

"44-7-204. Restriction on use of funds. Funds deposited in the domestic violence intervention account may be used only for the program authorized in 44-7-201 and the costs authorized under 44-7-203 and may not be used to pay the expenses of any other program or service administered in whole or in part by the Montana board of crime control or the department of ~~corrections~~ justice."

Section 13. Section 46-23-1011, MCA, is amended to read:

"46-23-1011. Supervision on probation. (1) The department shall supervise probationers during their probation period, including supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), in accord with the conditions set by a sentencing judge. If the sentencing judge did not set conditions of probation at the time of sentencing, the court shall, at the request of the department, hold a hearing and set conditions of probation. The probationer must be present at the hearing. The probationer has the right to counsel as provided in chapter 8 of this title.

(2) If the probationer is being supervised for a sexual offense as defined in 46-23-502, the conditions of probation may require the probationer to refrain from direct or indirect contact with the victim of the offense or an immediate family member of the victim. If the victim or an immediate family member of the victim requests to the department that the probationer not contact the victim or immediate family member, the department shall request a hearing with a sentencing judge and recommend that the judge add the condition of probation. If the victim is a minor, a parent or guardian of the victim may make the request on the victim's behalf.

(3) A copy of the conditions of probation must be signed by the probationer. The department may require a probationer to waive extradition for the probationer's return to Montana.

(4) The probation and parole officer shall regularly advise and consult with the probationer using effective communication strategies and other evidence-based practices to encourage the probationer to improve the probationer's condition and conduct and shall inform the probationer of the restoration of rights on

successful completion of the sentence.

(5) (a) The probation and parole officer may recommend and a judge may modify or add any condition of probation or suspension of sentence at any time.

(b) The probation and parole officer shall provide the county attorney in the sentencing jurisdiction with a report that identifies the conditions of probation and the reason why the officer believes that the judge should modify or add the conditions.

(c) The county attorney may file a petition requesting that the court modify or add conditions as requested by the probation and parole officer.

(d) The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court shall hold a hearing pursuant to the provisions of 46-18-203.

(e) Except as they apply to supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), the provisions of 46-18-203(7)(a)(ii) do not apply to this section.

(f) The probationer shall sign a copy of new or modified conditions of probation. The court may waive or modify a condition of restitution only as provided in 46-18-246.

(6) Based on the risk and needs of each individual as determined by the individual's most recent risk and needs assessment, the probation and parole officer shall ~~recommend~~ notify the probationer of eligibility for conditional discharge from supervision when a probationer is in compliance with the conditions of supervision when:

- ~~(a) a low-risk probationer has served 9 months;~~
- ~~(b) a moderate-risk probationer has served 12 months;~~
- ~~(c) a medium-risk probationer has served 18 months; and~~
- ~~(d) a high-risk probationer has served 24 months.~~
- (a) under the women's risks and needs assessment:
 - (i) a low-risk probationer has served 9 months;
 - (ii) a moderate-risk probationer has served 12 months;
 - (iii) a medium-risk probationer has served 18 months; and
 - (iv) a high-risk probationer has served 24 months; and

(b) under the Montana offender reentry and risk assessment:

(i) a low-risk probationer has served 9 months;

(ii) a moderate-risk probationer has served 12 months;

(iii) a high-risk probationer has served 18 months; and

(iv) a very high-risk probationer has served 24 months.

(7) The probationer, the probationer's attorney, or the prosecutor may file a motion recommending conditional discharge. The motion must set forth the following:

(a) why the probationer meets the requirements of subsection (6); and

(b) whether the department of corrections supports or opposes the motion.

(8) The motion must be served on the county attorney serving in the county of the presiding district court. The movant does not need to file an accompanying brief as otherwise required by Rule 2 of the Montana Uniform District Court Rules.

(9) The department of corrections shall make reasonable efforts to notify the victim if required by 46-24-212, and the county attorney shall make reasonable efforts to notify the victim. The victim must be provided the following:

(a) a copy of the motion;

(b) written notice that:

(i) the victim may provide written input regarding the motion or may ask the county attorney to state the victim's position on the motion;

(ii) if a hearing is set, the date, time, and place of the hearing; and

(iii) the victim may appear and testify at any hearing held on the motion.

(10) (a) The court may hold a hearing on the motion. A judge may conditionally discharge a probationer from supervision before expiration of the probationer's sentence if:

(i) the judge determines that a conditional discharge from supervision:

(A) is in the best interests of the probationer and society; and

(B) will not present unreasonable risk of danger to the victim of the offense; and

(ii) the offender has paid all restitution and court-ordered financial obligations in full.

(b) Subsection (10)(a) does not prohibit a judge from revoking the order suspending execution or

deferring imposition of sentence, as provided in 46-18-203, for a probationer who has been conditionally discharged from supervision."

Section 14. Section 61-3-103, MCA, is amended to read:

"61-3-103. Filing of security interests -- perfection -- rights -- procedure -- fees. (1) (a) Except as provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment of a voluntary security interest or lien by the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on a form prescribed by the department.

(b) After the voluntary security interest or lien has been entered on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was perfected.

(c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent, or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(d) Except as provided in subsection (3), when a person applying for a certificate of title requests issuance of a certificate of title under 61-3-201, the department shall record the voluntary security interest or lien on the face of a certificate of title.

(2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject

to two security interests previously perfected under this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE. This vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests is not required to be endorsed on the certificate.

(4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the department \$25 for each day that the secured party or lienholder fails to file the satisfaction.

(6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail to the owner or any secured party or lienholder of record a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

(7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, for which a certificate of title is issued under this chapter, to any other person without the consent of and without affecting the interest of the holder of the certificate of title.

(b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department and the department shall record the assignment in the department's records.

(8) (a) A fee must be paid to the department to file any security interest or other lien against a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.

(b) ~~Beginning January 1, 2002, and ending June 30, 2019, the~~ The fee to file a lien is \$8. Of the \$8 fee, \$4 must be deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state for deposit in the motor vehicle information technology system account provided for in 61-3-550.

~~(c) Beginning July 1, 2019, the fee is \$4 and must be deposited in the state general fund.~~

(9) (a) Until June 30, ~~2026~~ 2034, a fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. Beginning July 1, ~~2026~~ 2034, the fee for a new certificate of title under this subsection is \$5.

(b) Until June 30, ~~2026~~ 2034, the fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550.

(c) Beginning July 1, ~~2026~~ 2034, the \$5 fee must be deposited in the state general fund."

Section 15. Section 61-3-109, MCA, is amended to read:

"61-3-109. Electronic title, lien filing, and registration. (1) The department shall develop and implement a pilot program to allow:

- (a) electronic transmission of data by an authorized agent, a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;
- (b) substantiation of electronic record transactions performed by the department, an authorized agent, a county treasurer, or a person;
- (c) the production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department;
- (d) electronic filing, perfection, and release of security interests or liens of record;

- (e) certification and audit by the department of its authorized agents; and
- (f) expedited title services for customers with exceptional needs who are willing to pay an optional fee prescribed by the department by rule.

(2) Money collected from the fee imposed under subsection (1)(f) must be deposited in the ~~highway nonrestricted~~ motor vehicle information technology system account provided for in ~~45-70-125~~ 61-3-550."

Section 16. Section 61-3-203, MCA, is amended to read:

"61-3-203. Fee for original certificate of title -- disposition. (1) Until June 30, ~~2026~~ 2028, a person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

- (a) \$10 if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs 1 ton or less; or
- (b) \$12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs 1 ton or less.

(2) The amount of \$5 of the fee imposed pursuant to subsection (1) must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550, and the remaining amount must be deposited in the state general fund.

(3) For expedited certificates of title, which may only be issued by the Montana motor vehicle division, the entirety of the fee imposed pursuant to subsection (1) must be deposited into the motor vehicle information technology system account provided for in 61-3-550.

(4) Beginning July 1, ~~2026~~ 2028, the fee imposed in subsection (1)(a) is \$5 and the fee imposed in subsection (1)(b) is \$7 and all fees paid pursuant to this section must be deposited in the state general fund."

Section 17. Section 61-5-111, MCA, is amended to read:

"61-5-111. Contents of driver's license, renewal, license expirations, license replacements, grace period, and fees for licenses, permits, and endorsements -- notice of expiration. (1) (a) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's license receipts. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell receipts.

(b) The department may enter into an authorized agent agreement with the county treasurer of any county in which the department no longer maintains a driver examination station for the purpose of providing driver's license renewal services.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant driver's license unless authorized by department rule;

(iv) a brief description of the licensee;

(v) either the licensee's customary manual signature or a reproduction of the licensee's customary manual signature; and

(vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.

(b) The department may not use the licensee's social security number as the distinguishing number. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver's license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in

which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months after the expiration of the person's license, or if the person has applied for a REAL ID-compliant driver's license pursuant to 61-5-129. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(vi), a person may renew a driver's license by mail or online.

(ii) An applicant who renews a driver's license by mail or online shall submit to the department an approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph and signature record of the renewal applicant from the expiring license, then the renewal applicant shall apply in person.

(iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online is 8 years.

(v) The department may not renew a license by mail or online if:

(A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant;

(B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;

(C) the applicant seeks a change of address, a change of date of birth, or a name change; or

(D) the applicant's license:

(I) has been expired for 3 months or longer; or

(II) except as provided in subsection (3)(e), was renewed by mail or online at the time of the applicant's previous renewal.

(vi) If a license was issued to a foreign national whose presence in the United States is temporarily authorized under federal law, the license may not be renewed by mail or online.

(e) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active military duty may renew the applicant's license by mail or online for one additional consecutive term following a renewal by mail or online.

(f) The department shall send electronically or mail a driver's license renewal notice no earlier than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the licensee, provide the notice using an authorized method of electronic delivery, or both.

(4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(ii) When a person obtains a Montana commercial driver's license with a hazardous materials endorsement after surrendering a comparable commercial driver's license with a hazardous materials endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday 4 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's license information system, a security threat assessment was performed on the person as a condition of issuance of the surrendered license.

(e) A license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law expires, as determined by the department, no later than the expiration date of the official document issued to the person by the bureau of citizenship and immigration services of the department of homeland security authorizing the person's presence in the United States.

(5) When the department issues a driver's license to a person under 18 years of age, the license must be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

(6) (a) Upon application for a driver's license or commercial driver's license and any combination of

the specified endorsements, the following fees must be paid:

(i) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

(ii) motorcycle endorsement -- 50 cents a year or fraction of a year;

(iii) commercial driver's license:

(A) interstate -- \$10 a year or fraction of a year; or

(B) intrastate -- \$8.50 a year or fraction of a year.

(b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.

(7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this part, the department shall include the word "veteran" on the face of the license.

(b) After a person's status as a veteran is denoted on a driver's license, the department may not require further documentation of that status from the holder of the license upon subsequent renewal or replacement.

(8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's license online or by mail.

(b) If the department does not have a digitized photograph and signature record of the applicant, the applicant shall apply in person.

(c) The term of the replacement license must be the term of the applicant's current driver's license.

(9) (a) An applicant may request an expedited delivery service for a driver's license or identification card. The department shall set a fee for expedited delivery based on the cost of providing this service.

(b) The fees for expedited delivery must be deposited in the motor vehicle division administration account established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for delivery, personnel, and related technology."

Section 18. Section 61-5-129, MCA, is amended to read:

"61-5-129. (Temporary) REAL ID-compliant driver's license or identification card -- voluntary application. (1) The department shall issue a Montana driver's license or identification card that complies with the requirements of the federal REAL ID Act of 2005, Public Law 109-13, to each qualifying applicant.

(2) (a) When required to obtain a Montana driver's license or identification card, a person may choose to apply for either a standard driver's license or identification card, or for a REAL ID-compliant driver's license or REAL ID-compliant identification card.

(b) A person may not hold a valid standard driver's license or identification card and a valid REAL ID-compliant driver's license or identification card at the same time.

(3) (a) A REAL ID-compliant driver's license issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard driver's license issued pursuant to this chapter.

(b) A REAL ID-compliant identification card issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard identification card issued pursuant to Title 61, chapter 12, part 5, and this chapter.

(4) (a) In addition to the fees charged to apply for or renew a standard driver's license under 61-5-111(6) and the fees charged to apply for a standard identification card under 61-12-504, the department may charge the following additional fees:

(i) for a person who is applying for a REAL ID-compliant driver's license or identification card during or prior to a renewal period specified in 61-5-111(3)(c), the additional fee is \$25; and

~~(ii) for a person who is applying for a REAL ID-compliant driver's license or identification card prior to the renewal period specified in 61-5-111 (3)(c), the additional fee is \$50; and~~

~~(iii)~~(ii) for a person who renews a standard driver's license or a standard identification card under 61-5-111(3)(c) between June 1, 2017, through December 31, 2017, and is applying for a REAL ID-compliant driver's license or identification card between January 1, 2018, and June 30, 2018, the additional fee is \$25.

(b) The fees collected under this subsection (4) must be deposited in the state special revenue fund to be used to fund the equipment and staffing necessary to provide REAL ID-compliant driver's licenses and identification cards. (Void on occurrence of contingency--sec. 8, Ch. 443, L. 2017.)"

Section 19. Section 23, Chapter 456, Laws of 2019, is amended to read:

"**Section 23. Termination.** [Sections 3 and 4] terminate June 30, ~~2024~~2023."

Section 20. Transfer of funds. By August 15, 2021, the department of justice shall transfer \$354,901

in state special revenue from the account provided for in 30-14-143 to the state special revenue account provided for in 46-1-1115. The transfer shall utilize the proceeds from the settlement in State of Montana v. McKinsey & Company, Inc., DDV 2021-107 (1st Judicial District), and the final consent judgment ordered on February 5, 2021.

Section 21. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2021.

(2) [Sections 19 and 21] are effective June 30, 2021.

- END -

I hereby certify that the within bill,
HB 693, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 693

INTRODUCED BY B. MERCER, J. FULLER, F. NAVE, J. PATELIS

AN ACT IMPLEMENTING PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF CORRECTIONS; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF STATE PUBLIC DEFENDER; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING FOR AN ADDITIONAL JUDGE TO THE 11TH AND THE 18TH JUDICIAL DISTRICTS; EXTENDING THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING BUREAU; TRANSFERRING ADMINISTRATION OF 9-1-1 FUNDS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF JUSTICE; GRANTING CONSENT TO DISCONTINUE THE CONTRACT WITH THE GREAT FALLS REGIONAL PRISON; PROVIDING NOTIFICATION OF DISCHARGE ELIGIBILITY; PROVIDING FOR A TRANSFER OF FUNDS; ALLOWING A DRIVER TO RENEW A DRIVER'S LICENSE WHEN APPLYING FOR A REAL ID-COMPLIANT LICENSE; REDUCING FEES FOR A REAL ID-COMPLIANT DRIVER'S LICENSE OR IDENTIFICATION CARD REQUESTED PRIOR TO RENEWAL; REVISING FUNDING FOR THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT; AMENDING SECTIONS 3-5-102, 10-4-101, 10-4-105, 10-4-304, 44-7-204, 46-23-1011, 61-3-103, 61-3-109, 61-3-203, 61-5-111, AND 61-5-129, MCA; AMENDING SECTION 23, CHAPTER 456, LAWS OF 2019; AND PROVIDING EFFECTIVE DATES.