



AN ACT REVISING LAWS RELATED TO COMMITMENTS TO THE DEPARTMENT OF CORRECTIONS; REQUIRING THE DEPARTMENT TO NOTIFY A SENTENCING JUDGE WHEN THE DEPARTMENT IS UNABLE TO HONOR THE JUDGE'S PLACEMENT RECOMMENDATION; AND REQUIRING THE DEPARTMENT TO COLLECT, ANALYZE, AND REPORT CERTAIN DATA.

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

**Section 1. Commitments to department -- report to sentencing court -- data.** (1) If the department does not honor a placement recommendation made by a district court judge when the judge sentences an offender pursuant to 46-18-201(3)(a)(iv), (3)(a)(vi), or (3)(a)(vii) and includes a placement recommendation, the department shall provide a rationale for the placement and written notice to the sentencing court within 40 days after the placement decision.

(2) The department shall collect and analyze data on:

(a) court placement recommendations and department placement decisions for offenders sentenced pursuant to 46-18-201(3)(a)(iv), (3)(a)(vi), or (3)(a)(vii); and

(b) the number and type of new criminal offenses committed by offenders under the department's supervision.

(3) (a) The department shall collect data and report no later than September 1 of each year to the law and justice interim committee and the criminal justice oversight council on offenders who were under the department's supervision during the previous year and were:

(i) convicted of a new felony offense; or

(ii) revoked for a violation of the terms and conditions of a suspended or deferred sentence and the violation:

(A) is a compliance violation as defined in 46-18-203; or

(B) is not a compliance violation as defined in 46-18-203.

(b) The report must include the criminal history of the offenders and the offenses or violations that triggered the report.

**Section 2. Transition.** No later than September 1, 2021, the department of corrections shall report to the law and justice interim committee and the criminal justice oversight council with the data required by [section 1(3)] for offenders who were under the department's supervision between January 1, 2015, and July 1, 2021.

**Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [section 1].

- END -

I hereby certify that the within bill,  
SB 47, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 47

INTRODUCED BY R. LYNCH

BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

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REQUIRING THE DEPARTMENT TO NOTIFY A SENTENCING JUDGE WHEN THE DEPARTMENT IS  
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