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SENATE BILL NO. 47  
INTRODUCED BY R. LYNCH  
BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

A BILL FOR AN ACT ENTITLED: "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, ~~AND ANALYZE, AND REPORT~~ CERTAIN DATA."

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

NEW SECTION. 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 BEGINNING SEPTEMBER 1, 2022, THE~~ department shall collect data ~~on new criminal offenses committed by offenders under the department's supervision retroactively to January 1, 2015 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 fiscal 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

1 AND THE VIOLATION:

2 (A) IS A COMPLIANCE VIOLATION AS DEFINED IN 46-18-203; OR

3 (B) IS NOT A COMPLIANCE VIOLATION AS DEFINED IN 46-18-203.

4 (B) THE REPORT MUST INCLUDE THE CRIMINAL HISTORY OF THE OFFENDERS AND THE OFFENSES OR  
5 VIOLATIONS THAT TRIGGERED THE REPORT.

6  
7 NEW SECTION. SECTION 2. — TRANSITION : No LATER THAN SEPTEMBER 1, 2021, THE DEPARTMENT OF  
8 CORRECTIONS SHALL REPORT TO THE LAW AND JUSTICE INTERIM COMMITTEE AND THE CRIMINAL JUSTICE OVERSIGHT  
9 COUNCIL WITH THE DATA REQUIRED BY [SECTION 1(3)] FOR OFFENDERS WHO WERE UNDER THE DEPARTMENT'S  
10 SUPERVISION BETWEEN JANUARY 1, 2015, AND JULY 1, 2021.

11  
12 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an  
13 integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [section  
14 1].

15 - END -