

1 HOUSE BILL NO. 916
2 INTRODUCED BY B. MERCER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING PROVISIONS OF THE GENERAL
5 APPROPRIATIONS ACT; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF
6 CORRECTIONS; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF STATE PUBLIC
7 DEFENDER; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE;
8 PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR;
9 PROVIDING FOR LEGISLATIVE INTENT; EXTENDING THE TERMINATION DATE OF PUBLIC SAFETY
10 OFFICER STANDARDS AND TRAINING AND ITS REPORTING REQUIREMENTS; ~~EXPANDING ELIGIBLE~~
11 ~~USES OF THE PETROLEUM TANK RELEASE CLEANUP FUND;~~ ESTABLISHING REPORTING
12 REQUIREMENTS; ~~AMENDING SECTION 75-11-313, MCA;~~ AMENDING SECTION 23, CHAPTER 456, LAWS
13 OF 2019, AND SECTION 19, CHAPTER 566, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE ~~AND~~
14 ~~A TERMINATION DATE.~~"

15
16 WHEREAS, the 68th Legislature has funded new programs in Section D entities and enacted new
17 statutes, both of which will impact governmental operations. The Legislature has an interest in monitoring the
18 implementation of the programs and whether they are effective; and

19 WHEREAS, the work of the judicial branch, law enforcement, and justice budget committee in 2021
20 and 2022 and the 68th Legislature has generated interest in a number of subjects that require ongoing data
21 gathering and analysis to perform oversight regarding the administration of justice.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24
25 NEW SECTION. **Section 1. Reporting requirement for agencies whose budgets are considered**
26 **by subcommittee of committee on appropriations for judicial branch, law enforcement, and justice.** No
27 later than September 1, 2023, each agency that reports to the judicial branch, law enforcement, and justice joint
28 subcommittee shall report to the judicial branch, law enforcement, and justice budget committee on their

1 enforcement, and justice budget committee the numbers of offenders on parole, conditional release, or
2 probation who are alleged to have committed felonies in the previous quarter and the communities in which the
3 alleged crimes occurred.

4 (17) No later than September 1, 2024, and September 1, 2025, the department of corrections shall
5 report to the judicial branch, law enforcement, and justice budget committee the number of occasions that the
6 department of corrections used the authority provided in House Bill 426 from the 2023 legislative session in the
7 prior fiscal year.

8 (18) Beginning on October 15, 2023, and on the 15th day of the first month of every subsequent
9 quarter in the 2025 biennium, the department of corrections shall report to the judicial branch, law enforcement,
10 and justice budget committee on the number of inmates on parole who remain incarcerated 30 days after their
11 hearing and the basis for the continued incarceration.

12 (19) Beginning on October 15, 2023, and on the 15th day of the first month of every subsequent
13 quarter in the 2025 biennium, the department of corrections shall report to the judicial branch, law enforcement,
14 and justice budget committee on the number of inmates for each facility who are on a waiting list for vocational
15 training and the training to be commenced when it is available.

16
17 **NEW SECTION. Section 3. The office of state public defender to report.** (1) Beginning October
18 15, 2023, and on the 15th day of the first month each quarter after that in the 2025 biennium, the office of state
19 public defender shall report to the judicial branch, law enforcement, and justice budget committee on the tasks
20 performed by attorneys and nonattorneys that were not required by statute or constitutional requirement and
21 the amount of time dedicated to that work.

22 (2) Beginning October 15, 2023, and by the 15th day of the month following each quarter after that
23 in the 2025 biennium, the office of state public defender shall report to the judicial branch, law enforcement, and
24 justice budget committee on whether funding from Title IV-E of the Social Security Act provided all funding
25 needed to provide legal representation for children and parents in child abuse and neglect proceedings in the
26 preceding quarter and, if not, what necessary expenditures were made from other appropriated funds.

27 (3) Beginning October 15, 2023, and on the 15th day of the first month of each quarter after that in
28 the 2025 biennium, the office of state public defender shall forward to the judicial branch, law enforcement, and

1 justice budget committee a report on the cases in the previous quarter in which the office of state public
2 defender moved for waiver of the cost of counsel pursuant to 46-8-113(1) and the basis for the motion.

3 (4) No later than September 1, 2024, the office of state public defender shall report to the judicial
4 branch, law enforcement, and justice budget committee on the time spent by employees and contractors in
5 cases involving defendants in capital cases in fiscal year 2024 for each defendant.

6 (5) Beginning July 15, 2023, and on the 15th day of each quarter after that in the biennium, the
7 office of state public defender shall report to the judicial branch, law enforcement, and justice budget committee
8 on the number of employees of the office of state public defender qualified to be appointed as counsel for
9 defendants in cases in which the state has elected to seek the death penalty.

10 (6) Beginning July 15, 2023, and on the 15th day of the first month of each quarter after that in the
11 2025 biennium, the office of state public defender shall report to the judicial branch, law enforcement, and
12 justice budget committee on any protocols issued pursuant to 47-1-104.

13 (7) Beginning October 15, 2023, and on the 15th day of the first month of each quarter after that in
14 the 2025 biennium, the office of state public defender shall report the data required by 47-1-125(1)(b)(xi) to the
15 judicial branch, law enforcement, and justice budget committee.

16 (8) Beginning October 15, 2023, and on the 15th day of the first month of each quarter after that in
17 the 2025 biennium, the office of state public defender shall report to the judicial branch, law enforcement, and
18 justice budget committee on:

19 (a) the number of cases in which the office of state public defender was appointed to represent
20 defendants in the previous quarter in each county, including a separate disclosure of the number of
21 appointments to employees of the office of public defender compared to contract attorneys;

22 (b) regarding the number of appointments reported pursuant to subsection (a), the number of
23 appointments made in each county for cases in which the offense or offenses charged allege violations of local
24 ordinances and not state statutes; and

25 (c) regarding the number of appointments reported pursuant to subsection (a), the costs incurred
26 in each county to compensate contractors.

27

28 NEW SECTION. Section 4. Department of justice to report. (1) The department of justice shall

1 undertake a thorough review of the reports generated pursuant to 41-3-210(3) and report to the law and justice
2 interim committee and the judicial branch, law enforcement, and justice budget committee no later than January
3 15, 2024, on the status of reporting by county attorneys and the review by the department of justice of the
4 county attorney reports and overall assessment of the law enforcement and prosecutorial response to reports
5 from mandatory reporters and law enforcement agencies.

6 (2) No later than September 1 in each year of the 2025 biennium, the department of justice shall
7 report to the law and justice interim committee and the judicial branch, law enforcement, and justice budget
8 committee on the number of human trafficking investigations initiated by the department of justice in the prior
9 fiscal years and the number of prosecutions generated from the investigations. The report must also include
10 information on the sentences imposed for convictions obtained as a result of these prosecutions, including the
11 names of the defendants and the crimes for which convictions were obtained.

12 (3) By August 1, 2024, the department of justice shall provide a report to the judicial branch, law
13 enforcement, and justice budget committee that documents the number of times the department of criminal
14 investigations was asked to lead or participate in an investigation in the prior fiscal year but could not due to
15 resource constraints. The report must provide the information by county.

16 (4) By August 1, 2024, the department of justice shall provide a report to the judicial branch, law
17 enforcement, and justice budget committee documenting the number of times the prosecution services bureau
18 was asked to lead or participate in a prosecution in the prior fiscal year but could not due to resource constraint.
19 The report must provide the information by county.

20 (5) By August 1, 2024, the department of justice shall provide a report to the judicial branch, law
21 enforcement, and justice budget committee documenting the number of investigations by the division of criminal
22 investigations referred to federal prosecutors in fiscal year 2024 that resulted in charges being filed in federal
23 court, the names of the defendants, and the crimes charged.

24 (6) No later than July 15, 2023, and on the 15th day of the first month of each quarter after that in
25 the 2025 biennium, the department shall report to the judicial branch, law enforcement, and justice budget
26 committee on:

27 (a) the allocation of the settlement proceeds from the settlement agreements with McKesson
28 corporation, cardinal health, inc., Amerisource Bergen corporation, Janssen pharmaceuticals, inc.,

- 1 OrthoMcNeil-Janssen pharmaceuticals, inc., Janssen pharmaceutica, inc., and Johnson & Johnson by the
- 2 Montana abatement trust;
- 3 (b) outcome data required by the Montana abatement trust for any party receiving money from it;
- 4 (c) evaluations of programs funded by the Montana abatement trust; and
- 5 (d) programs funded with the allocation of the settlement proceeds provided to the state from the
- 6 settlement agreements with the companies listed in subsection (6)(a).

7

8 **NEW SECTION. Section 5. Office of court administrator to report.** (1) Each quarter of the 2025

9 biennium, the office of court administrator shall report to the law and justice interim committee and the judicial

10 branch, law enforcement, and justice budget committee on the number of civil cases that have been pending for

11 more than 2 years by judicial district. The report must identify:

- 12 (a) the judicial district;
- 13 (b) the number of cases in that district that are pending for more than 2 years but less than 3
- 14 years;
- 15 (c) the number of cases in that district that are pending for more than 3 years but less than 4
- 16 years;
- 17 (d) the number of cases in that district that are pending for more than 4 years but less than 5
- 18 years; and
- 19 (e) the number of cases in that district that are pending for more than 5 years.

20 (2) Each quarter of the 2025 biennium, the office of the court administrator shall report to the law

21 and justice interim committee and the judicial branch, law enforcement, and justice budget committee on the

22 number of participants in treatment courts for each court, including the number of participants who successfully

23 completed the treatment court program.

24 (3) Throughout the 2025 biennium, the office of court administrator shall provide to the law and

25 justice interim committee and the judicial branch, law enforcement, and justice budget committee the reports

26 the office of court administrator is required to provide to the office of state public defender pursuant to 46-8-

27 113(2)(a), with names included but all other personal identifying information redacted.

28 (4) Each quarter of the 2025 biennium, the office of the court administrator shall report to the law

1 and justice interim committee and the judicial branch, law enforcement, and justice budget committee on the
2 number of program participants in the pretrial program and related costs.

3
4 NEW SECTION. SECTION 6. BUDGET SUBMISSION. WHEN SUBMITTING THE BUDGET FOR THE 2027
5 BIENNIUM, THE DEPARTMENT OF CORRECTIONS SHALL SUBMIT A LINE-ITEM BUDGET TO THE SECOND LEVEL OF DETAIL
6 FOR EACH OF THE STATE-OWNED CORRECTIONAL FACILITIES UNDER ITS SUPERVISION.

7
8 NEW SECTION. SECTION 7. STAFFING AT DEPARTMENT OF CORRECTIONS. BEGINNING JULY 1, 2023, AND
9 EACH QUARTER OF THE 2025 BIENNIUM, THE DEPARTMENT OF CORRECTIONS SHALL SUBMIT TO THE LAW AND JUSTICE
10 INTERIM COMMITTEE AND THE JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE BUDGET COMMITTEE THE FOLLOWING
11 INFORMATION FOR STAFFING AT THE STATE-OWNED CORRECTIONAL FACILITIES UNDER ITS SUPERVISION:

- 12 (1) A LIST OF ALL JOB CLASSIFICATIONS AT EACH INSTITUTION BY JOB TITLE;
- 13 (2) THE NUMBER OF FTE ASSIGNED TO EACH JOB CLASSIFICATION;
- 14 (3) THE NUMBER OF STATE EMPLOYEES EMPLOYED IN EACH JOB CLASSIFICATION;
- 15 (4) THE NUMBER OF CONTRACT OR TRAVELING STAFF EMPLOYED IN EACH JOB CLASSIFICATION;
- 16 (5) THE NUMBER OF POSITIONS IN EACH JOB CLASSIFICATION THAT ARE NOT FILLED BY EITHER A STATE
17 EMPLOYEE OR CONTRACT STAFF AND THEREFORE ARE TRULY VACANT POSITIONS;
- 18 (6) THE TOTAL NUMBER OF NEW HIRES AND TERMINATIONS IN EACH JOB CLASSIFICATION; AND
- 19 (7) A NARRATIVE EXPLAINING HOW THE DEPARTMENT CONDUCTED RECRUITMENT EFFORTS TO FILL VACANT
20 POSITIONS AT EACH CORRECTIONAL FACILITY.

21
22 **Section 6.** Section 75-11-313, MCA, is amended to read:

23 ~~"75-11-313. Petroleum tank release cleanup fund. (1) There is a petroleum tank release cleanup~~
24 ~~fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by~~
25 ~~the board and is statutorily appropriated, as provided in 17-7-502, for the purposes provided for under~~
26 ~~subsections (3)(c) and (3)(d) through (3)(e). Administrative costs under subsections (3)(a) and (3)(b) must be~~
27 ~~paid pursuant to a legislative appropriation.~~

28 (2) — There is deposited in the fund: