



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON RESTORATIVE JUSTICE FOR OFFENDERS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 63RD LEGISLATURE.

WHEREAS, restorative justice is a criminal justice model that focuses on repairing the harm to all parties affected by a crime and holding offenders accountable, rather than on retribution against and punishment of the offender; and

WHEREAS, restorative justice views crime as wrongdoing against individuals and communities, rather than as a wrongdoing against the state; and

WHEREAS, restorative justice programs, such as victim-offender dialogue, mediation, and victim impact panels, encourage offender responsibility and reduced revictimization; and

WHEREAS, the state Department of Corrections has embraced restorative justice principles in programs and services for offenders and victims, including facilitated victim-offender dialogue, victim impact panels at department facilities, offender accountability letters, and centralized restitution collection; and

WHEREAS, other programs in other states and nations have shown lower recidivism rates and cost savings to state law enforcement; and

WHEREAS, the 2007 Montana Legislature passed House Bill No. 629, which enacted section 46-1-502, MCA, allowing courts to refer many types of criminal cases for mediation, potentially diverting cases from the Department of Corrections while allowing all parties to reach settlement agreements for victim restitution, community reparation, and offender treatment and programming.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) analyze restorative justice programs in Montana and determine which programs are most effective

at rehabilitating offenders and identify any weaknesses or gaps in Montana's programs;

(2) investigate restorative justice options implemented in other states and nations and identify programs that emphasize restitution and the rehabilitation of nonviolent offenders as an alternative to incarceration;

(3) gather information from national experts and explore methods of measuring the effectiveness of restorative justice programs in terms of reducing recidivism and return rates of offenders, decreasing the potential for future victimization of Montana citizens, and reducing general fund expenditures related to incarceration;

(4) develop recommendations on which programs in Montana should be retained and how restorative justice programs in Montana may be improved.

BE IT FURTHER RESOLVED, that this interim study provide ample opportunity for stakeholders in the criminal justice system, including the state Department of Corrections, the Department of Justice, the Office of the Public Defender, crime victims, victim advocates, victim service providers, and citizens at large, to participate.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2012.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

- END -

I hereby certify that the within joint resolution,
SJ 0029, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE JOINT RESOLUTION NO. 29
INTRODUCED BY G. HINKLE, KAUFMANN

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