

DRAFT LEGISLATION: DECISION POINTS

BACKGROUND

The Criminal Justice Oversight Council will review five pieces of draft legislation on June 28, 2022. This paper outlines key decision points for the council. Draft legislation is available on the council's [website](#). To submit public comment, use the [public comment form](#).

CJOC 1

CJOC 1 revises sentencing laws for theft and thematically-related crimes. This draft reverses changes made to the Montana Code Annotated after 2015.

CJOC 1 DECISION POINTS:

1. Is there any struck language the council would like to keep or amend?
2. Is there any language the council would like to introduce?

CJOC 2

CJOC 2 addresses matters relating to recovery residences, also known as sober living homes.

CJOC 2 DECISION POINTS:

1. Are there recovery residence requirements that the council would like to strike, amend, or introduce? (page 2, blue)
2. What requirements should there be for family recovery residences? (page 3, pink)
To have minor residents, must a recovery residence:
 - a. Be certified?
 - b. Maintain an environment consistent with the welfare of minors?
 - c. Have approval from the Department of Health and Human Services?
 - d. Meet other requirements that the Council would like to codify?
 - e. Should the Department of Health and Human Services have rulemaking authority so it may oversee and approve family recovery residences? (page 4, pink)
3. What department, agency, or other entity (if any) should enforce statutory requirements for recovery residences? (page 3, orange)
4. Is there any language the council would like to strike, amend, or introduce?

CJOC 3

CJOC 3 creates a separate definition for a persistent felony offender under supervision.

CJOC 3 DECISION POINTS:

1. Is there any language the council would like to strike, amend, or introduce?

CJOC 4

CJOC 4 revises sentencing laws for disorderly conduct. This draft reverses changes made to the Montana Code Annotated after 2015.

CJOC 4 DECISION POINTS:

1. Is there any struck language the council would like to keep or amend?
2. Is there any language the council would like to introduce?

CJOC 5

CJOC 5 makes theft of a motor vehicle a felony, no matter its assessed value, by revising sentencing laws for theft.

CJOC 5 DECISION POINTS:

1. Sentencing (page 3, blue)
Pursuant to 45-2-101 (23), MCA: “Felony’ means an offense in which the sentence imposed upon conviction is death or imprisonment in a state prison for a term exceeding 1 year.”
 - a. What should the minimum sentence be?
 - b. What should the maximum sentence be?
2. Is there any language the council would like to strike, amend, or introduce?