

## CRIME VICTIM RIGHTS AND SERVICES

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** Although a number of Montana statutes mention witnesses to or victims of crime and touch upon the rights due to them, most rights or services due to victims are grouped in two chapters of law: [Title 46, chapter 24 \(Treatment of Victims and Witnesses\)](#), and [Title 53, chapter 9 \(Services for Victims of Crime\)](#). Generally, those rights and services can be grouped broadly into the following categories:

- Rights to receive information, including about the victim’s rights, the services available, and court cases;
- Rights to notice of proceedings or events related to the crime, court processes, or offender;
- Rights to be consulted and to provide information and statements or to be present at various points in the criminal justice process;
- Rights to privacy and protection, including having an advocate present when the victim is interviewed about the crime;
- Rights to compensation or restitution.

### Legislative Services Division Materials:

[Marsy’s Law 101](#) – November 2017

[Statutory Rights of Crime Victims](#) – May 2018

### Other Materials:

[Office of Victim Services website](#), Montana Department of Justice

[Victim Information](#), Montana Department of Corrections

[Slides](#) from victim advocate presentation to the Commission on Sentencing, September 2016

## Introduced Legislation

### 2017

[House Bill No. 581](#) -- (H) Died in Standing Committee -- AN ACT CREATING THE UNINSURED MOTORIST VICTIM RESTITUTION FUND; PROVIDING DEFINITIONS; PROVIDING ELIGIBILITY REQUIREMENTS; PROVIDING FOR FUNDING; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 3-10-601, 17-7-502, 46-18-251, AND 61-6-304, MCA; AND PROVIDING APPLICABILITY DATES.

[House Bill No. 600](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO VICTIMS' RIGHTS; PROVIDING FOR THE ENFORCEMENT OF VICTIMS' RIGHTS; PROVIDING FOR A VICTIM'S RIGHTS CARD; PROVIDING FOR RULEMAKING AUTHORITY TO THE DEPARTMENT OF CORRECTIONS FOR RULES RELATED TO VICTIMS' RIGHTS; AMENDING SECTION 53-1-203, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill No 66](#) -- (S) Died in Standing Committee -- AN ACT GENERALLY REVISING THE CRIME VICTIMS COMPENSATION ACT; EXPANDING LIMITATIONS ON WHEN CLAIMS MUST BE FILED; REVISING WHO IS ENTITLED TO BENEFITS; INCREASING FUNERAL BENEFITS; ADDING CRIME SCENE CLEANUP AND RELOCATION BENEFITS; REVISING LIMITATIONS ON BENEFITS PAID TO CERTAIN CLAIMANTS FOR MENTAL HEALTH TREATMENT; AMENDING SECTIONS 53-9-103, 53-9-125, AND 53-9-128, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 250](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS REGARDING PROSECUTORIAL IMMUNITY; PROVIDING QUALIFIED IMMUNITY FOR PROSECUTORS, PUBLIC SAFETY OFFICERS, AND LOCAL GOVERNMENTS REGARDING CLAIMS ARISING FROM AN ADMINISTRATIVE OR INVESTIGATORY FUNCTION ALLEGING A VIOLATION OF ARTICLE II, SECTION 36, OF THE MONTANA CONSTITUTION; PROVIDING ABSOLUTE IMMUNITY FOR PROSECUTORS FOR CLAIMS ARISING OUT OF A JUDICIAL FUNCTION ALLEGING A VIOLATION OF ARTICLE II, SECTION 36, OF THE MONTANA CONSTITUTION; AND PROVIDING AN EFFECTIVE DATE.

### 2015

[House Bill No. 136](#) -- Chapter Number Assigned -- AN ACT ALLOWING ELECTRONIC MEANS AS A METHOD OF ACCEPTING A VICTIM NOTIFICATION REQUEST AND OF PROVIDING NOTIFICATION TO VICTIMS; AMENDING SECTION 46-24-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 186](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO PROTECTING VICTIMS OF SEXUAL OFFENSES; REQUIRING A SENTENCING JUDGE AND THE STATE BOARD OF PARDONS AND PAROLE TO ORDER AN OFFENDER TO REFRAIN FROM CONTACTING A VICTIM OF A SEXUAL OFFENSE OR AN IMMEDIATE FAMILY MEMBER OF THE VICTIM IF REQUESTED BY THE VICTIM OR IMMEDIATE FAMILY MEMBER; REQUIRING THE DEPARTMENT OF CORRECTIONS TO REQUEST A SENTENCING JUDGE TO ADD A CONDITION OF PROBATION THAT ORDERS THE OFFENDER TO REFRAIN FROM CONTACTING A VICTIM OF A SEXUAL OFFENSE OR AN IMMEDIATE FAMILY MEMBER OF THE VICTIM IF REQUESTED BY THE VICTIM OR IMMEDIATE FAMILY MEMBER; REVISING VICTIM NOTIFICATION REQUIREMENTS TO INFORM A VICTIM OF A SEXUAL OFFENSE OF THE VICTIM'S RIGHT TO REQUEST

THAT AN OFFENDER BE ORDERED TO REFRAIN FROM CONTACTING THE VICTIM; AND AMENDING SECTIONS 46-18-255, 46-23-215, 46-23-1011, 46-24-203, AND 46-24-212, MCA.

[Senate Bill No. 68](#) -- Chapter Number Assigned -- AN ACT EXTENDING THE TERMINATION DATE FOR THE CRIME VICTIMS COMPENSATION ACCOUNT; AMENDING SECTION 14, CHAPTER 374, LAWS OF 2009; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

## 2013

[House Bill No. 70](#) -- (S) Died in Standing Committee -- AN ACT REQUIRING THE DEPARTMENT OF CORRECTIONS TO MAKE A VICTIM IMPACT PANEL A COMPONENT OF COGNITIVE-BEHAVIORAL PROGRAMMING FOR INMATES OF SPECIFIED FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 631](#) -- (S) Died in Process -- AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II OF THE MONTANA CONSTITUTION PROVIDING THAT A PERSON WHO IS HARMED WHILE THE PERSON IS ENGAGING IN CONDUCT CLASSIFIED AS A FELONY OFFENSE IS NOT ENTITLED TO RECOVER DAMAGES FROM A CRIME VICTIM; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 638](#) -- (H) Died in Standing Committee -- AN ACT CRIMINALIZING THE DEATH OF AN UNBORN CHILD; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 45-5-102 AND 45-5-103, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 259](#) -- Chapter Number Assigned -- AN ACT ALLOWING A COURT TO VACATE CERTAIN CONVICTIONS WHEN THE OFFENDER WAS A VICTIM OF TRAFFICKING FOR COMMERCIAL SEXUAL ACTIVITY.

## 2011

[House Bill No. 114](#) -- Chapter Number Assigned -- AN ACT AMENDING THE CRIME VICTIMS COMPENSATION ACT OF MONTANA TO PROVIDE COVERAGE FOR MENTAL HEALTH COUNSELING EXPENSES FOR MINOR CHILDREN PRESENT IN HOMES WHERE DOMESTIC VIOLENCE HAS OCCURRED; AND AMENDING SECTIONS 53-9-103, 53-9-123, AND 53-9-128, MCA.

[Senate Joint Resolution 29](#) -- Filed with the Secretary of State -- 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.

## 2009

None