

Unofficial Draft Copy

As of: April 16, 2012 (3:36pm)

LC1j5D

**** Bill No. ****

Introduced By *****

By Request of the Law and Justice Interim Committee

A Bill for an Act entitled: "An Act providing for a multi-agency offender re-entry task force and pilot project; providing an appropriation; and providing an effective date."

WHEREAS, the Law and Justice Interim Committee examined the efficacy of restorative justice principle and practices within the criminal justice system as requested by SJR 29 as well as issues related to offender re-entry and re-incarceration;

WHEREAS, restorative justice principles are aimed at successful reintegration of offenders into communities that have been harmed by crime; and

WHEREAS, successful reintegration of released offenders begins with a re-entry plan developed while the offender is incarcerated; and

WHEREAS, successful re-entry should reduce the rate at which offenders are returned to incarceration either for violating the conditions of parole or for committing a new crime; and

WHEREAS, reducing the number of offenders who re-offend will not only save the state money but will keep communities safer; and

WHEREAS, future federal funding for the state department of corrections will be tied to how successful the department is in reducing the recidivism rate; and

WHEREAS, problem-solving courts and restorative justice practices incorporated into the re-entry process have been shown to significantly reduce re-incarceration rates and increase public safety.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Restorative re-entry task force and pilot project.** (1) The department of corrections shall be the lead agency for establishing a restorative re-entry task force and pilot project for incarcerated offenders.

(2) The following agencies shall participated in the multi-agency restorative re-entry task force:

(a) the office of public instruction for offender educational needs;

(b) the department of labor and industry for work force and job training needs;

(c) the department of public health and human services for public assistance, medical, mental health, or chemical dependency treatment, and child support enforcement;

(d) the department of commerce for housing needs;

(e) the court administrator's office for the purposes of [section 2]; and

(f) the board of pardons and parole for purposes of [section 2] and this section.

(3) The department shall also invite the participation of any community-based re-entry organizations and restorative

justice programs.

(4) The task force shall:

(a) select a community in which to pilot a comprehensive re-entry program;

(b) identify the correctional facility and set the selection criteria for offenders to participate in the pilot project;

(c) develop a plan and procedure for institutional probation officers to use when developing a comprehensive re-entry plan with an offender;

(d) establish liaisons and lines of communication between community-based probation and parole officers and educational, job training, housing, medical, mental health, chemical dependency treatment, or other service providers within the pilot community;

(e) coordinate with victim services offices and restorative justice programs within the pilot community to ensure victim concerns are considered and opportunities for restorative justice practices, including restitution, are provided for; and

(f) develop recommendations for the legislature.

(5) The department shall administer funds appropriated by the legislature for the purposes of this project and may provide grants to participating entities to assist them in implementing this pilot project.

(6) The department shall report to the Law and Justice Interim Committee upon request on the project's progress, outcomes, and resultant recommendations.

NEW SECTION. **Section 2. Coordination with judiciary for re-entry pilot project.**

(1) The office of court administrator shall provide coordination between the task force established in [section 1] and the district court for the pilot community.

(2) The district court for the pilot community may establish a special re-entry court docket for judicial supervision of offenders re-entering the community and who have been selected to participate in the pilot project established under [section 1]. The court may be operated in a manner similar to a drug treatment court established under Title 46, chapter 1, part 11. If a restorative justice program is available, the court may incorporate participation in the restorative justice program as a condition of remaining on community-supervision.

(3) If an offender fails to comply with the conditions imposed by the judge, the judge may impose a short term of incarceration in the detention center, the cost of which must be paid by the department of corrections.

(4) If a re-entry court docket is established pursuant to subsection (2), for the offenders participating in the pilot project, the board of pardons and parole shall provide that as a condition of release, the offender shall participate in the re-entry court and be subject to the court's jurisdiction.

NEW SECTION. **Section 3. Appropriation.** There is appropriated from the general fund to the department of corrections \$500,000 for the purposes of [section 1] and [section

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2].

NEW SECTION. **Section 4. {standard} Effective date.** [This act] is effective July 1, 2013.

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