

LAW, ORDER, AND EVERYTHING IN BETWEEN



October 2014

Studying Montana's Parole and Domestic
Relations Laws

The Final Report of the 2013-2014
Law and Justice Interim Committee

A Report to the 64th Legislature



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Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Law and Justice Interim Committee, like most other interim committees, serve one 20-month term. Members who are re-elected to the Legislature may serve again on an interim committee.*

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INTRODUCTION AND OVERVIEW

Tasked with interim oversight for three agencies and with the responsibility to liaise with the Judicial Branch, the Law and Justice Interim Committee never lacks for diverse topics to study. The 2013-2014 interim was no different. In addition to its focus on a study of the parole system in Montana, the committee also devoted study time to domestic relations law, which governs everything from starting to ending a marriage.

Both study topics were suggested to the committee by resolutions passed by the 2013 Legislature and each resulted in legislative proposals to the next Legislature. As a result of the Senate Joint Resolution 3 study of the Board of Pardons and Parole, the committee recommended changes to executive clemency laws, the board's rulemaking authority, and the criteria used to make parole decisions. It also approved proposals to require the board to video-record parole hearings and to clarify how the governor may change the board's presiding officer.

For the Senate Joint Resolution 22 study of family law procedures and alternatives, the committee sent out four proposals, each of which would adjust a small part of the process by which a marriage is legally dissolved.

Besides its study work, the committee also spent meeting time covering topics generated by committee members including:

- ✓ the work of the Department of Corrections' Multi-Agency Task Force on Reentry, which was the result of the committee's recommendations in the previous interim;
- ✓ gun ownership issues for Montanans judged to be ineligible to own firearms under federal law because of mental illness;
- ✓ a study of state institutions that was assigned to the Children, Families, Health, and Human Services Interim Committee;
- ✓ the Public Defender Commission;
- ✓ deputy county attorney salaries;
- ✓ recent sentencing and corrections policy changes in South Dakota; and
- ✓ the Department of Corrections' contract with and oversight of the state's only private prison facility, Crossroads Correctional Center in Shelby.

Because the committee is required by law to monitor the activities of agencies under its jurisdiction, the committee also regularly reviewed the administrative rules proposed by those agencies, received updates and reports from the agencies, and reviewed and requested early drafting of agency legislative proposals for the 2015 session.

In all, the committee approved 12 bills as committee recommendations to the next Legislature. It also sent a letter to the Legislative Audit Committee to request a performance audit of the Department of Corrections' oversight of its contract for the operation of the state's only private prison.

Further Information

Audio and video recordings of each meeting, as well as agendas, meeting materials, summary minutes, and staff reports are available at the committee's website:

<http://www.leg.mt.gov/css/committees/interim/2013-2014/Law-and-Justice/default.asp>

SJ 3: STUDY THE BOARD OF PARDONS AND PAROLE

Background

The 2013-2014 Law and Justice Interim Committee studied the Board of Pardons and Parole at the request of the 2013 Legislature and also because the committee itself recommended a parole study during the previous interim. Senator Terry Murphy carried Senate Joint Resolution 3 (SJ 3), which was proposed by the 2011-2012 Law and Justice Interim Committee. After the 2013 Legislature approved the study, legislators ranked it 10th out of 17 study resolutions in the postsession poll of interim study priorities.

SJ 3 requested that the committee study the operations of the board including:

- ✓ the parole philosophy of the board;
- ✓ the statutes and rules administered by the board;
- ✓ the degree to which the board has prevented or contributed to the need for additional prison beds;
- ✓ the effect of the possible elimination of the board; and
- ✓ other aspects of the board's administration, as appropriate.

At its first meeting in July 2013, the committee allocated approximately 30% of its meeting time (21.5 hours) to the SJ 3 study. The committee decided not to attend a parole hearing at Montana State Prison as a group. Instead, they preferred to visit parole hearings individually, making it possible for them to attend hearings closer to their home communities.

Parole 101: Process and Philosophy

At initial meetings, the committee learned more about the criminal justice system in general, but also specifically about the board and its operations. During this initial study phase, committee members heard directly from current and former board members about the parole philosophy of the board and how those members approached their work. The board is a seven-member citizen panel responsible for making decisions to deny, grant, or revoke parole. It also is responsible for executive clemency decisions in noncapital cases. In capital cases, the board makes a recommendation to the governor, who is then responsible for the final decision.

Board members are appointed by the governor, confirmed by the Montana Senate, and serve staggered 4-year terms. In addition to travel expenses, they are paid \$75 for each day they are engaged in Board duties. One member of the board must be an enrolled member of an Indian tribe that is located in Montana and recognized by the state or federal government. Another member must be a mental health professional. All board members must have academic training or related work experience in at least one of the following fields: criminology, education, medicine, psychiatry, psychology, law, social work, sociology, psychiatric nursing, or guidance and counseling.

During a September 2013 meeting, committee members listened to current board members Margaret Bowman (who has since retired from the board) and Darryl Dupuis and former members Don Hargrove and Sam Lemaich. These members spoke at length about how and why they were appointed to the board, the workload involved for each month's hearings, and how they sorted through the reports,

records, and testimony to reach conclusions. All agreed that parole hearings are an important time to hear from the offender, victims, and other individuals about whether parole should be granted.

Also during this initial study phase, the committee listened to presentations or reviewed staff reports on other parole-related topics such as:

- ✓ the board's exemption from certain areas of the Montana Administrative Procedure Act (MAPA), which governs how executive agencies may adopt administrative rules. The board isn't required to submit proposed rules to a legislative interim committee or hold a public hearing prior to adopting the rules.
- ✓ the criteria for selection of members of other appointed boards in Montana, especially quasi-judicial boards;
- ✓ criteria used to grant parole in other states that have part-time, citizen parole boards; and
- ✓ legal standards currently used by the Montana courts when reviewing parole decisions.

Narrowing the Focus

After gathering background information on the parole system, the committee began to narrow its focus on the study. During a snowy December meeting, members of the public and several panelists from diverse backgrounds weighed in, offering their ideas for changing the current parole laws and process. Some panelists pointed out the difficulties inherent in parole decisions and offered support for the existing system. Others suggested the system was working as intended and that the committee should consider only small changes.

Suggestions from several attorneys in private practice, a county attorney, community service providers, and two former lawmakers were as varied as the panelists and included revising the board's MAPA exemption, forming a sentencing commission to take a broad look at Montana's criminal sentencing structure, taking another look at the repeal of "good time," and restricting the board's ability to require an offender to complete certain treatment or education programs before being paroled. Another panelist recommended that the committee explore computer-based risk assessment systems that several states use to guide parole decisions.

In February 2014, the committee continued to sort out options for changes that members wanted to explore further. To aid them, they heard from a district court judge about the factors he takes into account when sentencing criminal defendants. Board staff and Department of Corrections staff also detailed the department's evidence-based risk and needs assessment models. The assessment tools are based on an Ohio risk assessment tool and are being tailored to fit Montana's offender populations.

Two members of a local screening committee for the Helena Prerelease Center explained how potential residents for that center are screened. Members of the public were also given time to suggest changes that the committee should consider making to the parole board or parole process.

Consideration of Changes

After several months of careful listening, committee members directed staff to provide information and, in some cases, draft bill language for future meetings on topics they had learned about in the information-gathering phases of the study. During April and June 2014 meetings, the committee took hours of in-

person comment and pages of written comment on various proposals considered for changes to parole laws. The members also asked for and received a presentation on how parole is handled in South Dakota, a state that had come up in previous meetings as a possible example to emulate. Staff prepared five pieces of preliminary draft legislation for the committee to weigh. Topics were varied and included revisions to the board's MAPA exemption, requiring parole hearings to be recorded, prohibiting the board from assigning conditions of parole, and moving various parole criteria used by the board from administrative rule to statute.

At the end of the June 2014 meeting, committee members requested additional drafts that they could consider at their final meeting in the fall. Proposed revisions ranged from how the presiding officer of the board is selected and compensated to changes in the size of the board to alterations in executive clemency laws to allow the governor to consider clemency requests that the board did not recommend be granted.

Final Decisions

After more than a year of inquiry, the committee members wrapped up work on the SJ 3 study in September 2014. Members voted to forward five proposals to the 2015 Legislature as the committee's recommendations for changes to Montana's parole system.

One proposal would remove most of the board's existing exemption from MAPA provisions. It would require the board to submit proposed rules to the appropriate interim committee for review, as well as allow for certain public participation during the rulemaking process. Another proposal requires that board meetings and parole hearings be video-recorded and those recordings be made publicly available. It also extends certain protections to crime victims who testify at hearings. The third proposal clarifies that the governor may change the presiding officer of the board without removing the member from the board. The committee also proposed that certain parole criteria used by the board be moved from administrative rule to statute. Finally, the committee recommended changes to the executive clemency laws, specifically that the governor be allowed to consider all requests for executive clemency not only those made in capital cases or those requests in noncapital cases that the board recommended be granted.

The proposals are listed below by the official bill drafting number, or LC number, that can be used to track the bill in the Legislature's bill tracking system, LAWS. Also listed in parentheses is the draft label given to the proposal to distinguish it as the committee discussed the proposal during the interim.

- ✓ LC 301 – Revise MAPA provisions related to the Board of Pardons and Parole (LCIj98)
- ✓ LC 358 – Require parole hearings to be video-recorded (LCIj97B)
- ✓ LC 359 – Clarify that the governor may change the parole board presiding officer (LCIj94)
- ✓ LC 360 – Revise parole criteria laws (LCIj95)
- ✓ LC 361 – Revise executive clemency laws (LCIj90)

SJ 22: STUDY FAMILY LAW PROCEDURES AND ALTERNATIVES

Background

Senate Joint Resolution 22 (SJ 22), enacted by the 2013 Legislature, recommended an interim study of current court procedures in family law cases and possible alternatives to those procedures. Senator Larry Jent, who served on the 2013-2014 Law and Justice Interim Committee, carried the resolution. Legislators ranked the study ninth out of 17 study resolutions in the postsession poll of interim studies. The Legislative Council assigned SJ 22 to the Law and Justice Interim Committee.

Two main trends drove the SJ 22 study: an increase in case filings in Montana's district courts that involve domestic relations and the large percentage of these cases that involve at least one party who is not represented by an attorney during the proceedings. The SJ 22 resolution concluded that the combination of an increased domestic relations caseload, the highly personal and sometimes contentious nature of family law cases, and the number of unrepresented litigants "have the dual effect of overwhelming the bench [courts] and depriving litigants of the prompt, careful consideration they deserve."

SJ 22 requested an interim committee:

- ✓ evaluate the cost and effectiveness of Montana's current court processes in addressing domestic relations matters;
- ✓ research family law models and approaches (legislative and otherwise) being used in other states; and
- ✓ identify measures that will help improve the administration of justice and promote the nonadversarial resolution of family law disputes.

At its July 2013 organizational meeting, the committee dedicated 20% of its meeting time (approximately 14.5 hours) to the SJ 22 study.

The Learning Curve

The committee spent its initial time on the SJ 22 study learning more about the challenges and complexities of family law. Experts in the field spoke to the members in September 2013 to explain the roles they play in resolving family law disputes and the ways that increasing caseloads and number of unrepresented litigants affect their work. The speakers included two current Montana District Court judges, a standing master who concentrates on family law cases, a court clerk, an attorney, the executive director of an organization that provides legal assistance to low-income people, and a mediator. As part of their presentations, the panelists made suggestions to the committee about possible changes to existing statutes, court structures, and resources provided to low-income litigants or those representing themselves in court without the assistance of an attorney.

At a later meeting, three Montanans put human faces to complicated family laws when they described their experiences with marriage dissolution proceedings and parenting plans. The panelists spoke of the challenges of understanding the law and court procedures, of crafting parenting plans that are comprehensive and adequate but also flexible enough to guide parents through 18 years of shared parenting, and of finding and affording attorneys to assist them in the legal process.

The committee also explored the possibilities and limitations of enacting statewide parenting guidelines that would be used by all district courts in parenting plan decisions. In addition, the court administrator for the Judicial Branch, a district court judge, and a mediator explained how some judicial districts use standing masters and mediation to help alleviate family law difficulties.

Finally, at the June 2014 meeting, a panel of attorneys highlighted an alternative dispute resolution method called collaborative law and encouraged the committee to recommend that the Legislature enact a uniform law to help implement and regulate collaborative law practice in Montana. Panelists noted their experiences working with this type of dispute resolution method and emphasized that it often helped their clients resolve disputes on their own without resorting to a court to make decisions that neither party might find palatable.

Making Recommendations

During its April 2014 meeting, the committee considered and took comment on six proposed bill drafts that would enact several suggestions made during previous meetings. Two proposals involved mediation. One would have required district courts to adopt rules mandating that parents involved in a parenting or visitation dispute try mediation before taking the dispute in front of a judge. The other proposal would have allowed the Montana Supreme Court to establish a pilot project to provide a set amount of free mediation to litigants in selected judicial districts. It was modeled on a North Dakota court initiative that provides up to six hours of free mediation to parents involved in parenting plan disputes. The four other proposals were intended to streamline or clarify various parts of the dissolution process.

At the end of the committee's work on the SJ 22 study, it voted to make four recommendations to the 2015 Legislature as a result of its study. First, the committee proposed allowing a husband to restore his original name as part of a dissolution filing. A wife involved in a dissolution proceeding currently has that option, but statutory changes are needed to allow a husband to do the same. A second proposal would clarify the parent who must make a motion to amend a parenting plan when one parent plans to relocate. Two other proposals would adjust the amount of debt and assets that two people in a summary dissolution proceeding may have and would allow a judge to grant a decree of dissolution without a hearing when the dissolution is uncontested. The committee decided not to forward either mediation proposal to the 2015 Legislature and also did not forward a proposal to adopt a Montana version of the Uniform Collaborative Law Act.

The proposals the committee agreed to send to the Legislature are listed below by the official bill drafting number, or LC number, that can be used to track the bill in the Legislature's bill tracking system, LAWS. Also listed in parentheses is the draft label given to the proposal to distinguish it as the committee discussed the proposal during the interim.

- ✓ LC 227 – Allow husband to restore original name as part of dissolution filing (LCIj04)
- ✓ LC 228 – Clarify who must move to amend parenting plan when one parent relocates (LCIj03)
- ✓ LC 362 – Adjust debt limit allowed for summary dissolution (LCIj01)
- ✓ LC 363 – Provide for a decree of dissolution without a hearing when uncontested (LCIj02)

COMMITTEE TOPICS

In addition to duties assigned to it by state law, the committee also explores topics that are the subject of recent legislation, brought to the committee's attention during public comment, or that may emerge during the interim as the result of recent events. The committee allocated 25% of its meeting time (18 hours) to these topics.

At their initial meeting in July 2013, members suggested several topics they'd like to consider at future meetings. Several of those topics appeared on multiple committee agendas and resulted in proposed legislation, while others appeared once or less frequently but helped inform members about the emerging issues.

The initial topics suggested by committee members were:

- ✓ the Department of Corrections' Statewide Multi-Agency Reentry Task Force;
- ✓ the House Joint Resolution 16 study of state-operated institutions serving individuals with mental illness;
- ✓ the public defender system; and
- ✓ mental illness and gun ownership issues that relate to the federal background check system.

Other topics emerged as the interim progressed. Those topics included an update on recent sentencing and corrections changes in South Dakota, salary concerns of the deputy county attorneys, and the adequacy of the Department of Corrections' oversight of its contract with the operator of the Crossroads Correctional Center in Shelby.

Reentry Task Force

The committee received brief updates on the work of the Statewide Multi-Agency Reentry Task Force at nearly every meeting. The committee's interest in the task force stemmed from work it completed in the previous interim on restorative justice. As a result of that study, the previous committee proposed House Bill No. 68 to the 2013 Legislature. Representative Margaret MacDonald successfully carried the bill through the session, which resulted in the creation of the task force.

During the June 2014 meeting, the current committee heard the results of the task force's initial work and received copies of the task force's final report. That report contained several recommendations for future reentry work, including two suggestions for legislative changes. After reviewing draft language and taking public comment, the committee agreed to forward those two proposals to the 2015 Legislature.

- ✓ LC 356 would allow the Department of Corrections to adopt administrative rules to set a minimum amount of earnings certain inmates must save. The earnings would help defray various reentry costs.
- ✓ LC 357 would grant the department authority to establish a housing voucher program for offenders who have been granted parole but have not been released yet because suitable housing arrangements cannot be made.

House Joint Resolution 16

House Joint Resolution 16 (HJ 16) was an interim study of state-operated institutions serving individuals with mental illness. The resolution was sponsored by a Law and Justice Interim Committee member, Representative Jenny Eck, and assigned by Legislative Council to the Children, Families, Health, and Human Services Interim Committee. The Children and Families committee has interim oversight over the Department of Public Health and Human Services, which operates several of the institutions included in the study. Because of the overlap with areas of interest for Law and Justice Interim Committee members, the committee agreed to hear periodic updates on the HJ 16 study's progress. The committee did not propose legislation as a result of these updates.

The Public Defender System

At its initial meeting, the committee agreed to hear more information about budget and workload concerns that revolve around the state's system of providing public defenders to indigent defendants in criminal cases and certain civil proceedings. After receiving updates in September 2013 and February 2014, the committee did not pursue legislation for the next session.

National Instant Criminal Background Check System (NICS) and Mental Health

The committee chose to study mental health, federal gun ownership laws, and the National Instant Criminal Background Check System (NICS) during the 2013-2014 interim. The committee first heard about these topics at its July 2013 organizational meeting, including that Montana does not report certain records relating to mental health and involuntary commitment to the NICS nor does it have an appeal and restoration process for people who have previously been denied firearms for reasons relating to mental illness.

As the result of its interest in this issue, committee members asked for a briefing in September 2013 from the Montana Department of Justice. At that time, the committee learned how federal laws and rules and Montana law affect who can legally own firearms, the information that states can or must provide to the NICS about certain individuals, and the protections given in these laws to people who suffer from mental illness.

The NICS Improvement Amendments Act of 2007 requires states to provide to the NICS information about each person who, as the result of a mental condition, has been adjudicated by a court or other authority to be a danger to the person or others or who lacks the mental capacity to manage the person's own affairs. That includes a person who has been found incompetent to stand trial or found not guilty in a criminal procedure because of a lack of mental responsibility.

The act also requires states to establish an appeal and restoration process (also known as relief from disabilities process) to restore a person's right to own firearms. Failure to comply with the law can result in the loss of certain grant funds related to law enforcement and criminal justice and an inability to apply for certain other funds. Montana provides certain records to the NICS but is only partially compliant in reporting and lacks an appeal and restoration process for people previously denied firearms for reasons relating to mental illness.

After the Department of Justice presentation, the committee agreed to learn more about the topic and requested to hear from various stakeholders at a future meeting.

In February 2014, 10 panelists spent a morning discussing and answering questions related to mental health and gun ownership. Federal and state government officials explained how the NICS works, how law enforcement agencies and licensed firearms dealers use NICS, the records Montana currently makes available to NICS, the information the state does not provide, and how federal grant funding for the state could be affected by continued failure to provide those records to NICS. Other panelists discussed whether the Legislature should create an appeal process to restore gun ownership rights to a person who has been disqualified from gun ownership by federal law because of certain mental health conditions, including an involuntary commitment to the state hospital. Finally, speakers and committee members focused comments and questions on privacy rights, mental health care funding, and the potential impact on veterans of increased reporting by the state.

The committee also reviewed a staff report summarizing relief from disabilities provisions adopted in other states and listened to comments from the public. The committee did not make recommendations related to this topic.

Department of Corrections and Shelby Prison Oversight

At its June 2014 meeting, the committee heard presentations from a Department of Corrections contract monitor and a legislative auditor about how the department monitors its contracts, in particular the contract with the Crossroads Correctional Center in Shelby. The privately operated prison and department oversight of that facility have been the subjects of public comment during the current and previous interims. After taking additional public comment and listening to the presentations, the committee voted to:

- ✓ draft a letter to the Legislative Audit Committee requesting that the audit committee consider conducting a performance audit during fiscal year 2015 of the Department of Corrections' oversight of its contract for the operation of the CCC; and
- ✓ forward a study resolution (LC 364) to the 2015 Legislature to request that the Legislative Council assign an interim committee to study the CCC and the Department's oversight of the facility.

EXECUTIVE AGENCY OVERSIGHT

The Law and Justice Interim Committee is responsible for monitoring the interim activities of the Office of the State Public Defender, the Department of Corrections (DOC), and the Department of Justice (DOJ), as well as any entities that are attached to those agencies for administrative purposes. The administrative entities that the committee must monitor are:

- ✓ the Board of Pardons and Parole (attached to DOC);
- ✓ the Board of Crime Control (attached to DOJ);
- ✓ the Gaming Advisory Council (attached to DOJ); and
- ✓ the Public Safety Officer Standards and Training (POST) Council (attached to DOJ).

The committee also serves as the liaison to the Judicial Branch.

Agency oversight includes reviewing administrative rules proposed by an agency, identifying issues likely to require further legislative action, identifying opportunities to improve existing laws that govern the agency's operation and programs, determining whether the experiences Montanans have had with an agency can be improved through legislative action, and reviewing an agency's proposed legislation for the next legislative session. The review and authorization process is not a committee endorsement of the concepts. Rather, the process allows legislative staff to draft those bills early in preparation for the next legislative session so the staff is free after the November elections to work on bills for newly elected legislators.

In addition, the committee must review certain reports that agencies are required by law to present to it. The committee must then determine if it should recommend that the next Legislature retain or eliminate these reports. The same review is performed for any advisory councils or commissions under the committee's jurisdiction.

At its organizational meeting in July 2013, the committee allocated 25% of its meeting time to agency oversight.

After receiving a staff report detailing the various required reports and advisory councils or commissions and listening to presentations throughout the interim by several agencies about certain required reports, the committee voted to recommend the 2015 Legislature retain the existing reports and advisory councils or commissions.

The committee reviewed agency legislative proposals in June and September 2014 and authorized legislative staff to begin drafting those proposals.

APPENDIX A: SUMMARY OF COMMITTEE LEGISLATION

The committee approved 12 bills for introduction to the 2015 Legislature.

SJ 3 Study of the Board of Pardons and Parole

- LC 301 – Revise MAPA provisions related to the Board of Pardons and Parole
- LC 358 – Require parole hearings to be video-recorded
- LC 359 – Clarify that the governor may change the parole board presiding officer
- LC 360 – Revise parole criteria laws
- LC 361 – Revise executive clemency laws

SJ 22 Study of Family Law Procedures and Alternatives

- LC 227 – Allow husband to restore original name as part of dissolution filing
- LC 228 – Clarify who must move to amend parenting plan when one parent relocates
- LC 362 – Adjust debt limit allowed for summary dissolution
- LC 363 – Provide for a decree of dissolution without a hearing when uncontested

Other Topics

- LC 356 – Allow the Department of Corrections to set minimum amount of inmate earnings saved
- LC 357 – Revise laws relating to housing for offenders
- LC 364 – Interim study of the Crossroads Correctional Center and oversight of that facility

APPENDIX B: SUMMARY OF SJ 3 PRESENTATIONS

The committee took testimony from multiple stakeholders during the course of the SJ 3 study. The following is a list of the people who provided information during formal presentations.

September 2013

Background on Department of Corrections Commitments

- Pam Bunke, Administrator, Adult Community Corrections Division, DOC

Pre-Parole Process

- Meaghan Shone, Parole Board Analyst
- Janet Cox, Records Manager, Montana State Prison, DOC
- Greg Budd, Case Manager, Montana State Prison, DOC

Parole Board Philosophy

- Margaret “Binky” Bowman, member, Board of Pardons and Parole
- Darryl Dupuis, member, Board of Pardons and Parole
- Don Hargrove, former member, Board of Pardons and Parole
- Sam Lemaich, former member, Board of Pardons and Parole

Post-Parole Process and Supervision

- Christine Slaughter, Parole Board Analyst
- Ed Foley, Supervisor, Institutional Probation and Parole, DOC
- Kim Lahiff, Supervisor, Missoula and Hamilton Probation and Parole Offices, DOC

December 2013

Jail Diversion Programs in Billings and Bozeman

- Terry Jessee, MS LCPC, Billings Clinic Behavioral Health/Yellowstone County Detention Facility
- MarCee Neary, Director, Billings Community Crisis Center
- Andrea Lower, Pretrial Services Coordinator for Gallatin County
- Steve Ette, Director of Court Services for Gallatin County
- Ryan Swarzmeyer, Detention Center Case Manager, Gallatin Mental Health Center

Identifying Potential Areas for Change or Reform

- Robert L. Stephens, Jr., Billings attorney
- Ronald F. Waterman, Helena attorney
- Ed Corrigan, Flathead County Attorney
- Moe Wosepka, Director, Montana Catholic Conference
- Larry Gaalswyk, Executive Director, T.E.A.M. Mentoring
- Chris Christiaens
- Greg Hinkle, former State Senator
- Steve Cape, Montana Coalition for Safety and Justice

February 2014

District Court Judge Sentencing Perspectives

- Judge Mike Salvagni, 18th Judicial District (Gallatin County)

Risk and Needs Assessments

- Sam Casey, Reentry Manager, DOC
- Rob Kersch, IT Analyst, DOC
- Fern Johnson, Executive Director, Board of Pardons and Parole

Conditions of Parole

- Pam Bunke, Administrator, Adult Community Corrections Division, DOC

Local Prerelease Screening Committees

- Amy Tenney, Operations Officer, Helena Prerelease Center
- Annette Carter, Probation and Parole Officer II, DOC

April 2014

South Dakota Parole Process

- Ed Ligtenberg, Executive Director, South Dakota Board of Pardons and Paroles

Parole Supervision Fees and Program Costs

- Adrienne Slaughter, Government Relations Director, DOC
- Brendan McQuillan
- Niki Zupanic, ACLU of Montana

APPENDIX C: SUMMARY OF SJ 22 PRESENTATIONS

The committee took testimony from multiple stakeholders during the course of the SJ 22 study. The following is a list of the people who provided information during formal presentations.

September 2013

Family Law in Montana Today

- P. Mars Scott, Missoula attorney
- Judge David Ortley, 11th Judicial District (Flathead)
- Judge Kurt Krueger, 2nd Judicial District (Butte-Silver Bow)
- Standing Master Brenda Desmond, 4th Judicial District (Missoula)
- Lori Maloney, Clerk of the Court, 2nd Judicial District (Butte-Silver Bow)

District Court Workload Tracking System

- Beth McLaughlin, Court Administrator, Judicial Branch

Challenges Facing Pro Se Litigants and Resources

- Beth McLaughlin, Court Administrator, Judicial Branch
- Alison Paul, Executive Director, Montana Legal Services Association

Mediation

- Linda Gryczan, Helena mediator

December 2013

Standing Committee on Self-Represented Litigants of the Access to Justice Committee

- Judge Michele Snowberger, Belgrade City Court

Litigants' Perspectives on Family Law

- Erin Farris, Court Help Program Administrator
- Kathy Estelle
- Simon Fickinger
- Audra Couch

Parenting Guidelines in Montana

- P. Mars Scott, Missoula attorney
- Judge Michele Snowberger, Belgrade City Court
- Cindy Thiel, Missoula attorney

February 2014

Mediation Report from the State Bar of Montana Justice Initiatives Committee

- Brian Muldoon, Kalispell attorney

Court Funding and Workload Update

- Beth McLaughlin, Court Administrator, Judicial Branch

North Dakota Court Mediation Pilot Project

- Beth McLaughlin, Court Administrator, Judicial Branch

June 2014

Collaborative Law Model

- Tal Goldin, Missoula attorney
- Audrey Cromwell, Bozeman attorney
- Kathryn Mazurek, Bozeman attorney
- Hilary Oitzinger, Great Falls attorney

Family Law Discussion by the Board of Trustees of the State Bar of Montana

- Mark Parker, Billings attorney, President-Elect of the State Bar

APPENDIX D: SUMMARY OF PRESENTATIONS ON COMMITTEE TOPICS

The committee took testimony from multiple stakeholders while pursuing members' interests in a variety of law and justice topics. The following is a list of the people who provided information during formal presentations.

Reentry Task Force

September 2013

- Adrienne Slaughter, Government Relations Director, DOC

February 2014

- Mike Batista, Director, DOC

April 2014

- Adrienne Slaughter, Government Relations Director, DOC

June 2014

- Mike Batista, Director, DOC
- Adrienne Slaughter, Government Relations Director, DOC
- Donna Huston, task force community representative

The Public Defender System

September 2013

Overview of 2012 Performance Audit

- Megan Coy, Senior Performance Auditor, Legislative Audit Division

Commission Decisions on Workload

- Fritz Gillespie, Chairman of the Public Defender Commission, Helena attorney
- Bill Hooks, Chief Public Defender

February 2014

Commission Decisions on Workload

- Bill Hooks, Chief Public Defender

National Instant Criminal Background Check System (NICS) and Mental Health

September 2013

Background on Mental Illness and Gun Ownership Issues Related to NICS

- Jon Bennion, Deputy Attorney General, Montana DOJ

February 2014

NICS and Federal Law

- Sherre Y. Baker, NICS Liaison Specialist, FBI

- Tina Collins, NICS Liaison Specialist, FBI
- Jeanne E. Miller, Senior Attorney, Office of Chief Counsel, ATF

Montana Background

- Jennifer Viets, Program Manager, Criminal Justice Information Network (CJIN), Montana DOJ
- Brooke Marshall, Executive Director, Montana Board of Crime Control

Other Perspectives and State Actions

- Peter Read, Mayors Against Illegal Guns
- Brian Judy, Regional Director, National Rifle Association (invited but unable to attend)

Mental Health, Disabilities, Privacy, and Veterans' Perspectives

- Matt Kuntz, Executive Director, NAMI Montana
- Niki Zupanic, Public Policy Director, ACLU of Montana
- Beth Breneman, Staff Attorney, Disability Rights Montana
- Merv Gunderson, American Legion

Department of Corrections and Shelby Prison Oversight

June 2014

Department of Corrections Contract Monitoring

- Pat Smith, Contract Placement Bureau Chief, DOC
- Ross Johnson, Senior Performance Auditor, Legislative Audit Division

APPENDIX E: STAFF REPORTS

As part of the committee's work on their assigned studies and other topics of interest to members, legislative staff wrote research reports and provided other analysis to assist the committee. The following is a list of these reports. All reports and other committee materials are available on the committee's website: <http://www.leg.mt.gov/css/committees/interim/2013-2014/Law-and-Justice/default.asp>

SJ 3: Study the Board of Pardons and Parole

- Board Structure, Duties, and Operations – Rachel Weiss, September 2013
- Board Parole Philosophy – Rachel Weiss, September 2013
- Criminal Justice Process Following Conviction – Julianne Burkhardt, September 2013
- Composition and Structure of Montana's Quasi-Judicial Boards – Rachel Weiss, December 2013
- Parole Board Structures and Policies in Other States – Rachel Weiss, December 2013
- Risk and Needs Assessments – Rachel Weiss, February 2014
- The 1990 Criminal Justice and Corrections Advisory Council – Rachel Weiss, February 2014
- Certificates of Rehabilitation – Rachel Weiss, February 2014
- Legislative Considerations: Good Time – Rachel Weiss, February 2014
- Legislative Considerations: Recording Parole Board Hearings – Rachel Weiss, February 2014
- Legislative Considerations: Administrative Rules – Julianne Burkhardt, February 2014
- Supervision Fees and Administrative/Programming Costs Charged to Parolees – Rachel Weiss, April 2014

SJ 22: Study Family Law Procedures and Alternatives

- Existing Family Law Procedures – Rachel Weiss, September 2013
- Parenting Guidelines in Montana District Courts – Rachel Weiss, December 2013

National Instant Criminal Background Check System (NICS) and Mental Health

- States with ATF Approved Relief from Disabilities Programs – Rachel Weiss, April 2014

Agency Oversight

- Overview of Rulemaking and Administrative Rule Activity – Julianne Burkhardt, July 2013
- Review of Advisory Councils and Required Reports – Rachel Weiss, December 2013