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L. Green
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Vincent House JOINT RESOLUTION NO. *63* *Palmer*
INTRODUCED BY *Holmes Ramirez* *FAGG* *Henson*
For *Long* *Safet* *Stumans*, *Scott* *S. Herick*
Lawton
A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE
APPOINTMENT OF A CRIMINAL JUSTICE LEGISLATIVE DRAFTING
COMMISSION TO DESIGN AN INTEGRATED CRIMINAL JUSTICE SYSTEM
BASED ON STANDARDS RECOMMENDED BY THE MONTANA JUSTICE
PROJECT AND PRESENT A MASTER PLAN TO THE 46th LEGISLATURE
ALONG WITH SPECIFIC LEGISLATION TO IMPLEMENT THAT PLAN.
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Stalden
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12 WHEREAS, the problem of rising crime rates is a
13 top-priority concern in Montana in 1977; and
14 WHEREAS, Montana's criminal justice system has grown by
15 means of scattered and uncoordinated legislative action
16 rather than by means of purposeful comprehensive planning;
17 and
18 WHEREAS, the Montana Justice Project has invested much
19 time, money, and expertise in the development of standards
20 and goals, many of which remain to be implemented; and
21 WHEREAS, Montana is endowed with resources for
22 attacking the crime problem with an integrated and
23 comprehensive approach based on sound and deliberate
24 planning; and
25 WHEREAS, the Montana Justice Project has studied for 2

1 years the following areas of concern:
2 (1) law enforcement;
3 (2) courts;
4 (3) corrections;
5 (4) information systems; and
6 (5) community crime prevention; and
7 WHEREAS, the Montana Justice Project has issued reports
8 in each of the five above-named areas, including its
9 proposed standards and goals, many of which remain to be
10 implemented; and
11 WHEREAS, the state cannot afford to waste the time,
12 money, and effort that has gone into the preparation of
13 these reports; and
14 WHEREAS, the primary recommendation of the report of
15 the Corrections Task Force is that a comprehensive
16 correctional code be drafted which would create a definitive
17 purpose for the state's corrections system; and
18 WHEREAS, Montana does not have a comprehensive,
19 integrated criminal justice system based on a single
20 unifying policy.
21
22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
23 OF REPRESENTATIVES OF THE STATE OF MONTANA:
24 That a Criminal Justice Legislative Drafting Commission
25 be appointed to draft a master plan for a comprehensive

INTRODUCED BILL

HJR 63

1 criminal justice system in Montana based on but not limited
2 to or bound by the findings of the Montana Justice Project.
3 The Commission shall:

4 (1) determine an overriding policy to serve as a basis
5 for the master plan for the Montana criminal justice system;

6 (2) design a blueprint for the development of a
7 comprehensive, integrated criminal justice system, the
8 individual parts of which will play their proper roles in
9 relation to the other parts and direct their energies as
10 efficiently as possible toward the established goals;

11 (3) submit its master plan and proposals for
12 legislation to the Governor before November 1, 1978;

13 (4) submit proposed legislation to the 46th
14 Legislature on or before January 1, 1979;

15 (5) submit recommendations to the Governor for
16 administrative changes that are required to implement the
17 master plan.

18 BE IT FURTHER RESOLVED, that the members of the
19 Criminal Justice Legislative Drafting Commission, at least
20 one of whom shall be a member of the Board of Crime Control,
21 shall include:

22 (1) six members of the Legislature to be chosen by the
23 leadership, including three from each party; and

24 (2) five members to be appointed by the Governor,
25 including:

1 (a) a representative of the Montana Judicial Planning
2 Council;

3 (b) a representative of the executive branch of the
4 state government with special qualifications in criminal
5 justice;

6 (c) an educator with credentials in criminology or
7 law;

8 (d) a service provider with practical experience in
9 community-based corrections, diversion, or rehabilitation
10 who is a member of the Youth Justice Advisory Council;

11 (e) a person with practical experience and up-to-date
12 training in law enforcement or criminal prosecution.

13 BE IT FURTHER RESOLVED, that the Criminal Justice
14 Legislative Drafting Commission shall pursue the broadest
15 range of questions concerning the practical effects and
16 long-range implications of each element in the criminal
17 justice system as it relates to each other element and as it
18 contributes to the established goals. The Drafting
19 Commission shall address itself to but not limit itself to
20 consideration of the following areas of concern:

21 (1) pretrial diversion;

22 (2) presentencing activities;

23 (3) sentencing;

24 (4) corrections;

25 (5) community-based alternatives and adjuncts to

1 institutionalization;

2 (6) probation and parole;

3 (7) juvenile programs, including follow-up programs;

4 (8) law enforcement.

5 BE IT FURTHER RESOLVED, that in carrying out its
6 responsibilities, the Criminal Justice Legislative Drafting
7 Commission shall seek continuing consultation with the
8 following groups:

9 (1) The Board of Crime Control;

10 (2) The Montana Judicial Planning Council;

11 (3) The Youth Justice Advisory Council;

12 (4) The Department of Institutions;

13 (5) The Department of Social and Rehabilitation
14 Services;

15 (6) The Department of Justice; and

16 (7) The Board of Pardons.

17 BE IT FURTHER RESOLVED, that the Criminal Justice
18 Legislative Drafting Commission may seek federal funds
19 through the Board of Crime Control to employ counsel or
20 staff, contract for services within general limits approved
21 by the Board of Crime Control, and enlist the cooperation of
22 any individual or unit of state government involved in
23 criminal justice or human resocialization. The Legal
24 Services Division of the Legislative Council shall provide
25 the staff to draft proposed legislation.

-End-

-5-

STATE OF MONTANA

REQUEST NO. 500-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 19 77, there is hereby submitted a Fiscal Note for House Joint Resolution 63 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Joint Resolution 63, as amended, creates a Criminal Justice Legislative Drafting Commission which will develop an integrated criminal justice system and present legislation to the next session to implement the plan.

ASSUMPTIONS:

1. The Commission would consist of six (6) legislators and five (5) other persons involved in the administration of criminal justice.
2. The Board of Crime Control and Legislative Council would provide staff support within projected budgets.
3. The Commission would meet ten (10) times per year. Average cost per legislator for travel and compensation is \$200 per meeting. The remaining five (5) members would be state employees whose expenses could be financed with projected budgets.

FINANCIAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Additional cost of proposed legislation	<u>\$12,000</u>	<u>\$12,000</u>

Richard L. Drayton
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-77

Approved by Committee
on Judiciary

HOUSE JOINT RESOLUTION NO. 63

INTRODUCED BY HOLMES, RAMIREZ, FAGG, KEYSER, VINCENT,
PALMER, PORTER, LORY, SEIFERT, DUSSAULT, SOUTH, SCULLY,
HIRSCH, COURTNEY, HUENNEKENS, METCALF, RYAN, SHELDEN,
DRISCOLL, KIMBLE, HARPER, JENSEN, NATHE, ELLERD, BERTELSEN,
HAND, COLBURN, HARRINGTON, LIEN, WALDRON, HALVORSON

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE
APPOINTMENT OF A CRIMINAL JUSTICE LEGISLATIVE DRAFTING
COMMISSION TO DESIGN AN INTEGRATED CRIMINAL JUSTICE SYSTEM
BASED ON STANDARDS RECOMMENDED BY THE MONTANA JUSTICE
PROJECT AND PRESENT A MASTER PLAN TO THE 46th LEGISLATURE
ALONG WITH SPECIFIC LEGISLATION TO IMPLEMENT THAT PLAN.

WHEREAS, the problem of rising crime rates is a
top-priority concern in Montana in 1977; and

WHEREAS, Montana's criminal justice system has grown by
means of scattered and uncoordinated legislative action
rather than by means of purposeful comprehensive planning;
and

WHEREAS, the Montana Justice Project has invested much
time, money, and expertise in the development of standards
and goals, many of which remain to be implemented; and

WHEREAS, Montana is endowed with resources for

attacking the crime problem with an integrated and
comprehensive approach based on sound and deliberate
planning; and

WHEREAS, the Montana Justice Project has studied for 2
years the following areas of concern:

- (1) law enforcement;
- (2) courts;
- (3) corrections;
- (4) information systems; and
- (5) community crime prevention; and

WHEREAS, the Montana Justice Project has issued reports
in each of the five above-named areas, including its
proposed standards and goals, many of which remain to be
implemented; and

WHEREAS, the state cannot afford to waste the time,
money, and effort that has gone into the preparation of
these reports; and

WHEREAS, the primary recommendation of the report of
the Corrections Task Force is that a comprehensive
correctional code be drafted which would create a definitive
purpose for the state's corrections system; and

WHEREAS, Montana does not have a comprehensive,
integrated criminal justice system based on a single
unifying policy.

SECOND READING

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

3 That a Criminal Justice Legislative Drafting Commission
4 be appointed to draft a master plan for a comprehensive
5 criminal justice system in Montana based on but not limited
6 to or bound by the findings of the Montana Justice Project.
7 The Commission shall:

8 (1) determine an overriding policy to serve as a basis
9 for ~~the master plan for~~ DIRECTION FOR ALL SEGMENTS OF the
10 Montana criminal justice system;

11 (2) IN CONSULTATION WITH THE BOARD OF CRIME CONTROL,
12 design a blueprint SCHEDULE for the development of a
13 comprehensive, integrated criminal justice system, the
14 individual parts of which will play their proper roles in
15 relation to the other parts and direct their energies as
16 efficiently as possible toward the COMMISSION'S established
17 goals;

18 (3) DIRECT THE MONTANA BOARD OF CRIME CONTROL TO
19 UTILIZE ITS RESOURCES AND STAFF TO PURSUE IMPLEMENTATION OF
20 THOSE STANDARDS AND GOALS RECOMMENDED BY THE MONTANA JUSTICE
21 PROJECT WHICH ARE APPROVED BY THE COMMISSION, AND WORK IN
22 LIAISON WITH THE BOARD IN DEVELOPING LEGISLATION TOWARD THAT
23 END;

24 (3)(4) submit its master ~~plan~~ and PROPOSED SCHEDULE
25 AND A SUMMARY OF ITS proposals for legislation to the

1 Governor before November 1, 1978;

2 (4)(5) submit proposed legislation to the 46th
3 Legislature on or before January 1, 1979;

4 (5)(6) submit recommendations to the Governor for
5 administrative changes that are required to ~~implement the~~
6 ~~master plan~~ ACHIEVE A BALANCED AND INTEGRATED SYSTEM.

7 BE IT FURTHER RESOLVED, that the members of the
8 Criminal Justice Legislative Drafting Commission, at least
9 one of whom shall be a member of the Board of Crime Control,
10 shall include:

11 (1) six members of the Legislature to be chosen by the
12 leadership, including three from each party; and

13 (2) five members to be appointed by the Governor,
14 including:

15 (a) a representative of the Montana Judicial Planning
16 Council;

17 (b) a representative of the ~~executive branch of the~~
18 ~~state government with special qualifications in criminal~~
19 ~~justice~~ ATTORNEY GENERAL;

20 (c) an educator with credentials in criminology or
21 law;

22 (d) a service provider with practical experience in
23 community-based corrections, diversion, or rehabilitation
24 who is a member of the Youth Justice Advisory Council;

25 (e) a person with practical experience and up-to-date

1 training in law enforcement or criminal prosecution.

2 BE IT FURTHER RESOLVED, that the Criminal Justice
3 Legislative Drafting Commission shall pursue the broadest
4 range of questions concerning the practical effects and
5 long-range implications of each element in the criminal
6 justice system as it relates to each other element and as it
7 contributes to the COMMISSION'S established goals. The
8 Drafting Commission shall address itself to but not limit
9 itself to consideration of the following areas of concern:

- 10 (1) pretrial diversion;
- 11 (2) presentencing activities;
- 12 (3) sentencing;
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- 14 (5) community-based alternatives and adjuncts to
15 institutionalization;
- 16 (6) probation and parole;
- 17 (7) juvenile programs, including follow-up programs;
- 18 (8) law enforcement;

19 (9) COMMUNITY TRAINING, EMPLOYMENT AND TREATMENT
20 PROVISIONS.

21 BE IT FURTHER RESOLVED, that in carrying out its
22 responsibilities, the Criminal Justice Legislative Drafting
23 Commission shall seek continuing consultation with the
24 following groups, IN ADDITION TO THE BOARD OF CRIME CONTROL:

- 25 ~~{1}--The Board of Crime Control}~~

- 1 ~~{2}{11}~~ The Montana Judicial Planning Council;
- 2 ~~{3}{12}~~ The Youth Justice Advisory Council;
- 3 ~~{4}{13}~~ The Department of Institutions;
- 4 ~~{5}{14}~~ The Department of Social and Rehabilitation
5 Services;
- 6 ~~{6}{15}~~ The Department of Justice; and
- 7 ~~{7}{16}~~ The Board of Pardons;
- 8 {7} ASSOCIATIONS AND AGENCIES INVOLVED IN CRIMINAL
9 JUSTICE ACTIVITIES AND RESEARCH; AND
10 {8} CLIENTS OF THE MONTANA CRIMINAL JUSTICE SYSTEM.
- 11 BE IT FURTHER RESOLVED, that the Criminal Justice
12 Legislative Drafting Commission may seek federal funds
13 through the Board of Crime Control to ~~employ counsel or~~
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15 ~~by the Board of Crime Control,~~ and enlist the cooperation of
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17 criminal justice or human resocialization. The Legal
18 Services Division of the Legislative Council shall provide
19 the staff to draft proposed legislation.

-End-

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