

1                   *Senate* JOINT RESOLUTION NO. 19  
 2   INTRODUCED BY LOCKEY Fashender  
 3

4   A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5   REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE  
 6   LEGISLATIVE COMMITTEE ON PRIORITIES TO ASSIGN TO THE  
 7   APPROPRIATE STANDING COMMITTEE A STUDY OF LEGISLATION TO  
 8   COMPENSATE VICTIMS OF CRIME, INCLUDING BUT NOT LIMITED TO  
 9   CONSIDERATION OF THE PROBLEMS INVOLVED IN COMPENSATING  
 10  VICTIMS OF CRIMES THAT ARE COMMITTED BY MEMBERS OF INDIAN  
 11  TRIBES OR ARE COMMITTED ON INDIAN RESERVATIONS, AND TO HAVE  
 12  THE COMMITTEE REPORT ITS FINDINGS AND RECOMMENDATIONS  
 13  TOGETHER WITH ANY PROPOSED LEGISLATION TO THE 46TH  
 14  LEGISLATURE.

15  
 16       WHEREAS, Montana presently has provided minimal  
 17  protection for the innocent victims of crimes; and

18       WHEREAS, 11 states have adopted systems of compensation  
 19  for innocent victims of crimes; and

20       WHEREAS, there are many variables involved in drafting  
 21  legislation of this type such as: (1) should compensation  
 22  depend on financial need?; (2) should pain and suffering be  
 23  compensable?; (3) should property damage be included?; (4)  
 24  should a board or court administer the plan?; (5) should  
 25  members of the family be excluded?; (6) what is the

1   offender's restitution duty?; and

2       WHEREAS, the legislature has no available data or  
 3   comprehensive study upon which to base enlightened decisions  
 4   or legislation; and

5       WHEREAS, there are special problems involved when the  
 6   crime is committed by a member of an Indian tribe or is  
 7   committed on an Indian reservation.

8  
 9   NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 10  OF REPRESENTATIVES OF THE STATE OF MONTANA:

11       That the Committee on Priorities is requested to assign  
 12  to the appropriate standing committee a study of legislation  
 13  to compensate victims of crime, including but not limited to  
 14  consideration of the problems involved in compensating  
 15  victims of crimes that are committed by members of Indian  
 16  tribes or are committed on Indian reservations.

17       BE IT FURTHER RESOLVED, that in conducting the study  
 18  the committee:

19       (1) utilize and compare the laws of other states,  
 20  including the Uniform Crime Victims Reparation Act;

21       (2) seek the advice of criminologists and other  
 22  experts in the field; and

23       (3) hold public hearings in order that the people of  
 24  Montana may provide input for the study.

25       BE IT FURTHER RESOLVED, that the committee submit a

LC 0791/01

- 1 written report of its findings and recommendations, together
- 2 with any proposed legislation, to the 46th Legislature.

-End-

Approved by Committee  
on Judiciary

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23           (3) hold public hearings in order that the people of  
24   Montana may provide input for the study.

25           BE IT FURTHER RESOLVED, that the committee submit a

SECOND READING

SJR 0019/02

1 written report of its findings and recommendations, together  
2 with any proposed legislation, to the 46th Legislature.

-End-

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THIRD READING

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