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*Senate* BILL NO. *274*  
*Sen. Bill* INTRODUCED BY *Conaway Blacklock*  
*Cetrone Greely Fashender*

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF COMMUNITY-BASED CENTERS FOR REHABILITATING CRIMINAL OFFENDERS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Community-based correction centers -- purpose. The purpose of this act is to establish community-based correction centers in order to achieve the following goals:

- (1) to provide an alternative correction program for criminal court judges to use in the sentencing of convicted criminals;
- (2) to assist the reintegration into society of criminal offenders released from prison or other correctional institutions;
- (3) to reduce crime by providing an atmosphere in which the criminal offenders can be truly rehabilitated, the recidivism rate can be reduced, and the damaging effects on criminal offenders caused by a large penal institution can be avoided;
- (4) to make available to criminal offenders the skilled and intensive training and assistance necessary to

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make rehabilitation successful.

Section 2. Definition of terms. Unless the context requires otherwise, in this act:

- (1) "center" means community-based correction center as defined further in section [3 of this act];
- (2) "board" means the board of directors of the nonprofit corporation charged with responsibility for the center, as defined further in section [4 of this act];
- (3) "department" means the department of institutions.

Section 3. Centers. (1) There shall be established community-based correction centers under the control of local nonprofit corporations. They shall be non-secure residential correctional facilities for no more than twenty-five (25) adult criminal offenders in communities designated by the board of pardons. They shall offer at least the following four (4) basic correction and rehabilitation services:

- (a) marital, family and financial counseling;
- (b) drug and alcohol counseling and therapy;
- (c) counseling on psychological, emotional and behavioral problems;
- (d) educational, vocational and employment counseling, referral and training.

(2) In order to effect the intent of this act to the maximum extent possible, services shall be provided by human

*SB 274*

1 services agencies and qualified individuals contracting with  
 2 the centers for this purpose. The center shall contract and  
 3 arrange for the performance of said services subject to  
 4 budgetary limitations.

5 Section 4. Authorization of nonprofit corporation --  
 6 rights and duties. (1) The nonprofit corporations referred  
 7 to in sections [2 and 3 of this act] are corporations formed  
 8 by persons in a local community or region to be served by  
 9 the centers, and as referred to under the "Montana Nonprofit  
 10 Corporation Act".

11 (2) The board of pardons shall designate regions to be  
 12 served by such centers. Such regions may be changed by the  
 13 board of pardons from time to time. In the event there are  
 14 not sufficient persons with sufficient interest to organize  
 15 a nonprofit corporation which can be approved for receiving  
 16 the funds available for this purpose, the governor shall  
 17 appoint persons from such region who shall organize such a  
 18 nonprofit corporation.

19 (3) Such corporations may enter into contracts with  
 20 the board of pardons, the department of institutions and  
 21 other local, state, and federal governmental units or  
 22 agencies to receive such funds, facilities, or other items  
 23 needed for their programs as such units or agencies may be  
 24 authorized by law to provide. These nonprofit corporations  
 25 shall not be considered agencies of the state of Montana,

1 however, said corporations may enter into the public  
 2 employees' retirement system administered by the state.

3 (4) Governmental units and agencies, including but not  
 4 limited to counties, municipalities, state institutions of  
 5 higher learning or any agency of the federal government are  
 6 hereby authorized, at their own expense, to provide funds,  
 7 materials, facilities and services for community-based  
 8 correction centers.

9 (5) The duties of the board of a corporation organized  
 10 to operate a community-based correction center shall  
 11 include:

12 (a) preparation and submission to the board of  
 13 pardons, the department of institutions and to each of the  
 14 counties in the region of program plans and budget proposals  
 15 to provide the necessary support for the center and its  
 16 programs;

17 (b) receipt and administration of such moneys and  
 18 other support as are made available for the purpose of  
 19 implementing correction programs by the participating  
 20 agencies, including grants from the United States government  
 21 and other agencies, tax moneys, gifts, donations, and any  
 22 other type of support or income. All funds so received by  
 23 the board shall be used to carry out the purposes set forth  
 24 in this act;

25 (c) selection and supervision of administrative staff,

1 counselors and other employees necessary to operate the  
2 community-based correction center.

3 Section 5. Administration. (1) The board of  
4 directors of each nonprofit corporation shall select a  
5 supervisor for the facility, who shall have training and  
6 experience in penology, which training shall include at  
7 least a master's degree in the behavioral sciences or  
8 equivalent formal training, and which experience shall  
9 include not less than two (2) years in the field of  
10 corrections.

11 (2) The supervisor shall be responsible for  
12 recommending to the board the hiring of such additional  
13 personnel as may be needed to operate the center, shall  
14 supervise such personnel subject to the approval of the  
15 board, and shall supervise such unpaid volunteers as may be  
16 helpful in conducting the center's programs. Preference  
17 shall be given in the employment of all counselors and other  
18 persons dealing with the clients who are provided services  
19 by the center to persons with formal training and experience  
20 in the field of corrections. The supervisor may arrange  
21 with branches of the Montana university system to employ  
22 students as volunteer or part-time paid employees.

23 (3) In order to carry out the purposes of this act,  
24 the supervisor shall, subject to the approval of the board:

25 (a) contract and make arrangements with appropriate

1 human services agencies in the local area for said agencies  
2 to operate the programs of the center;

3 (b) report to the board at its regular meetings on the  
4 effectiveness of the programs administered by the local  
5 human services agencies.

6 Section 6. Independent evaluation. Every two (2)  
7 years the board of pardons shall hire an independent public  
8 or private agency to make a complete evaluation including a  
9 statistical analysis of the effectiveness of the various  
10 correction programs offered by the centers and the overall  
11 correctional effectiveness of the centers. Such evaluation  
12 shall take into account the classifications of clients  
13 served by the centers and shall include specific  
14 recommendations for modifications of programs offered by the  
15 centers. The evaluation shall be submitted to the board,  
16 which shall take action upon the recommendations as it sees  
17 fit and shall submit notice of its actions to the board of  
18 pardons.

19 Section 7. Continuation of services. Nothing in this  
20 act shall be construed to prevent the continuation of  
21 existing correctional facilities.

22 Section 8. The department shall make such rules as are  
23 necessary to carry out the purposes of this act.

-End-

SB 277

Approved by Committee  
on Judiciary

1                   SENATE BILL NO. 274  
2           INTRODUCED BY TONE, REGAN, CONOVER, BLAYLOCK,  
3                   CETRONE, GREELY, FASBENDER  
4  
5   A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
6   CREATION OF COMMUNITY-BASED CENTERS FOR REHABILITATING  
7   CRIMINAL OFFENDERS."  
8  
9   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10       Section 1. Community-based correction centers --  
11   purpose. The purpose of this act is to establish  
12   community-based correction centers in order to achieve the  
13   following goals:  
14       (1) to provide an alternative correction program for  
15   criminal court judges to use in the sentencing of convicted  
16   criminals;  
17       (2) to assist the reintegration into society of  
18   criminal offenders released from prison or other  
19   correctional institutions;  
20       (3) to reduce crime by providing an atmosphere in  
21   which the criminal offenders can be truly rehabilitated, the  
22   recidivism rate can be reduced, and the damaging effects on  
23   criminal offenders caused by a large penal institution can  
24   be avoided;  
25       (4) to make available to criminal offenders the

1 skilled and intensive training and assistance necessary to  
2 make rehabilitation successful.  
3       Section 2. Definition of terms. Unless the context  
4 requires otherwise, in this act:  
5       (1) "center" means community-based correction center  
6 as defined further in section [3 of this act];  
7       (2) "board" means the board of directors of the  
8 nonprofit corporation charged with responsibility for the  
9 center, as defined further in section [4 of this act];  
10       (3) "department" means the department of institutions.  
11       Section 3. Centers. (1) There ~~shall~~ MAY be  
12 established community-based correction centers OR PROGRAM  
13 under the control of local nonprofit corporations OR LOCAL  
14 GOVERNING BODY. They shall be non-secure residential  
15 correctional facilities OR NONRESIDENTIAL CORRECTIONAL  
16 FACILITIES for no more than twenty-five (25) adult criminal  
17 offenders in communities designated by the board of pardons.  
18 They shall offer at least the following four (4) basic  
19 correction and rehabilitation services:  
20       (a) marital, family and financial counseling;  
21       (b) drug and alcohol counseling and therapy;  
22       (c) counseling on psychological, emotional and  
23 behavioral problems;  
24       (d) educational, vocational and employment counseling,  
25 referral and training.

1 (2) In order to effect the intent of this act to the  
 2 maximum extent possible, services shall be provided by human  
 3 services agencies and qualified individuals contracting with  
 4 the centers for this purpose. The center shall contract and  
 5 arrange for the performance of said services subject to  
 6 budgetary limitations.

7 Section 4. Authorization of nonprofit corporation --  
 8 rights and duties. (1) The nonprofit corporations referred  
 9 to in sections [2 and 3 of this act] are (A) corporations  
 10 formed by persons in a local community or region to be  
 11 served by the centers, ~~and as referred to~~ under the "Montana  
 12 Nonprofit Corporation Act" AND APPROVED BY THE LOCAL  
 13 GOVERNING BODY OR (B) ORGANIZATIONS FORMED OR APPROVED BY  
 14 LOCAL GOVERNING BODIES FOR THE PURPOSE OF OPERATING CENTERS.

15 (2) The board of pardons shall designate regions to be  
 16 served by such centers. Such regions may be changed by the  
 17 board of pardons from time to time. In the event there are  
 18 not sufficient persons with sufficient interest to organize  
 19 a nonprofit corporation which can be approved for receiving  
 20 the funds available for this purpose, the governor shall MAY  
 21 appoint persons from such region who shall organize such a  
 22 nonprofit corporation. ONE MEMBER OF THE BOARD OF DIRECTORS  
 23 OF THE NONPROFIT CORPORATION OR ORGANIZATION SHALL BE THE  
 24 SHERIFF OF THE COUNTY IN WHICH THE CENTER IS LOCATED, OR HIS  
 25 DESIGNEE, AND ONE MEMBER OF THE BOARD OF DIRECTORS OF THE

1 NONPROFIT CORPORATION SHALL BE A JUDGE OF THE JUDICIAL  
 2 DISTRICT IN WHICH THE CENTER IS LOCATED, OR A DESIGNEE OF  
 3 THE JUDGE OR JUDGES OF THE DISTRICT.

4 (3) Such corporations may enter into contracts with  
 5 the board of pardons, the department of institutions and  
 6 other local, state, and federal governmental units or  
 7 agencies to receive such funds, facilities, or other items  
 8 needed for their programs as such units or agencies may be  
 9 authorized by law to provide. These nonprofit corporations  
 10 shall not be considered agencies of the state of Montana,  
 11 however, said corporations may enter into the public  
 12 employees' retirement system administered by the state.

13 (4) Governmental units and agencies, including but not  
 14 limited to counties, municipalities, state institutions of  
 15 higher learning or any agency of the federal government are  
 16 hereby authorized, at their own expense, to provide funds,  
 17 materials, facilities and services for community-based  
 18 correction centers.

19 (5) The duties of the board of a corporation organized  
 20 to operate a community-based correction center shall  
 21 include:

22 (a) preparation and submission to the board of  
 23 pardons, TO the department of institutions and to each of  
 24 the counties in the region, of program plans and budget  
 25 proposals to provide the necessary support for the center

1 and its programs;

2 (b) receipt and administration of such moneys and  
3 other support as are made available for the purpose of  
4 implementing correction programs by the participating  
5 agencies, including grants from the United States government  
6 and other agencies, tax moneys, gifts, donations, and any  
7 other type of support or income. All funds so received by  
8 the board shall be used to carry out the purposes set forth  
9 in this act;

10 (c) selection and supervision of administrative staff,  
11 counselors and other employees necessary to operate the  
12 community-based correction center.

13 Section 5. Administration. (1) The board of  
14 directors of each nonprofit corporation shall select a  
15 supervisor for the facility, who shall have training and  
16 experience in penology, which training shall include at  
17 least a master's degree in the behavioral sciences or  
18 equivalent formal training, and which experience shall  
19 include not less than two (2) years in the field of  
20 corrections.

21 (2) The supervisor shall be responsible for  
22 recommending to the board the hiring of such additional  
23 personnel as may be needed to operate the center, shall  
24 supervise such personnel subject to the approval of the  
25 board, and shall supervise such unpaid volunteers as may be

1 helpful in conducting the center's programs. Preference  
2 shall be given in the employment of all counselors and other  
3 persons dealing with the clients who are provided services  
4 by the center to persons with formal training and experience  
5 in the field of corrections. The supervisor may arrange  
6 with branches of the Montana university system to employ  
7 students as volunteer or part-time paid employees.

8 (3) In order to carry out the purposes of this act,  
9 the supervisor shall, subject to the approval of the board:

10 (a) contract and make arrangements with appropriate  
11 human services agencies in the local area for said agencies  
12 to operate the programs of the center;

13 (b) report to the board at its regular meetings on the  
14 effectiveness of the programs administered by the local  
15 human services agencies.

16 (4) EACH NONPROFIT CORPORATION OR ORGANIZATION SHALL  
17 ADOPT RULES AND REGULATIONS FOR THE SECURE OPERATION OF THE  
18 CENTER AND THE SUPERVISION OF THE CLIENTS, WHICH RULES SHALL  
19 BE SPECIFICALLY APPROVED BY THE BOARD OF PARDONS AND THE  
20 SHERIFF OF THE COUNTY IN WHICH THE CENTER IS LOCATED. THE  
21 JUDGES OF THE JUDICIAL DISTRICT IN WHICH THE CENTER IS  
22 LOCATED SHALL HAVE THE AUTHORITY TO MAKE SUCH ADDITIONAL  
23 RULES AND REGULATIONS FOR THE OPERATION OF THE CENTER AS ARE  
24 NECESSARY TO PROTECT THE LOCAL COMMUNITY INCLUDING  
25 SUSPENSION OF THE OPERATION OF THE CENTER.

1           Section 6. Independent evaluation. Every two (2)  
2 years the board of pardons shall hire an independent public  
3 or private agency to make a complete evaluation including a  
4 statistical analysis of the effectiveness of the various  
5 correction programs offered by the centers and the overall  
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8 served by the centers and shall include specific  
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10 centers. The evaluation shall be submitted to the board,  
11 which shall take action upon the recommendations as it sees  
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13 pardons. THIS EVALUATION MAY BE WAIVED IF AN EVALUATION OF  
14 THE CENTER BY ANOTHER STATE OR FEDERAL AGENCY HAS BEEN  
15 COMPLETED AND IS CONSIDERED BY THE BOARD OF PARDONS AS  
16 ADEQUATE TO COMPLY WITH THIS SECTION.

17           Section 7. Continuation of services. Nothing in this  
18 act shall be construed to prevent the continuation of  
19 existing correctional facilities.

20           Section 8. The department shall make such rules as are  
21 necessary to carry out the purposes of this act.

-End-

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2 INTRODUCED BY TOWE, REGAN, CONOVER, BLAYLOCK,

3 CETRONE, GREELY, FASBENDER

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 24 BE THE SHERIFF OF THE COUNTY IN WHICH THE CENTER IS LOCATED,  
 25 OR HIS DESIGNEE, AND ONE (1) MEMBER OF THE BOARD OF

1 DIRECTORS OF THE NONPROFIT CORPORATION SHALL BE A JUDGE OF  
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 3 DESIGNEE OF THE JUDGE OR JUDGES OF THE DISTRICT.

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 25 proposals to provide the necessary support for the center

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15 human services agencies.

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19 existing correctional facilities.

20       Section 8. The department shall make such rules as are  
21 necessary to carry out the purposes of this act.

-End-

## COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL NO. 274

Be amended in the third reading bill as follows:

1. Amend page 2, section 3, subsection (1), line 17.  
Following: "by the"  
Strike: "board of pardons"  
Insert: "department"
2. Amend page 3, section 4, subsection (2), line 15.  
Following: "The"  
Strike: "board of pardons"  
Insert: "department"
3. Amend page 3, section 4, subsection (2), line 17.  
Strike: "board of pardons"  
Insert: "department"
4. Amend page 6, section 5, subsection (4), line 19.  
Following: "BY THE"  
Strike: "BOARD OF PARDONS"  
Insert: "DEPARTMENT"
5. Amend page 7, section 6, line 2.  
Following: "the"  
Strike: "board of pardons"  
Insert: "department"
6. Amend page 7, section 6, lines 12 and 13.  
Following: "to the"  
Strike: "board of pardons"  
Insert: "department"
7. Amend page 7, section 6, line 15.  
Following: "BY THE"  
Strike: "BOARD OF PARDONS"  
Insert: "DEPARTMENT"

AS SO AMENDED

BE CONCURRED IN