

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

14
15 **Section 1.** Section 3-5-102, MCA, is amended to read:
16 **"3-5-102. Number of judges.** In each judicial district, there must be the following number of judges of
17 the district court:
18 (1) in the 2nd, 7th, 16th, 20th, and 21st districts, two judges each;
19 (2) in the 1st, 8th, and 18th districts, four judges each;
20 (3) in the 4th and 11th districts, five judges each;
21 (4) in the 13th district, ~~eight~~10 judges; and
22 (5) in all other districts, one judge each."

24 NEW SECTION. **Section 2. Reporting on inappropriate or illicit communications within**
25 **corrections.** (1) For the interim following the 69th legislative session, the department of corrections shall report
26 at each meeting of the law and justice interim committee and the judicial branch, law enforcement, and justice
27 interim budget committee on the details and effectiveness of its methods to reduce inappropriate or illicit
28 communications to or from inmates at the Montana state prison.

1 (2) Inappropriate or illicit communications include those that discuss or solicit victim information,
2 drug trafficking arrangements, or other illegal and restricted activities.

3 (3) As a part of its reporting, the department of corrections shall provide quarterly reports on the
4 following:

5 (a) the number of e-mails, messages, and other electronic communications to and from inmates at
6 the Montana state prison;

7 (b) the number of e-mails blocked by automatic scanning systems;

8 (c) the result of the department of correction's audit of both the blocked and unblocked
9 communications to determine the rate of false negatives and false positives;

10 (d) a description of the process and cost of electronic monitoring of tablets and devices; and

11 (e) any incidents at the Montana State Prison that involve e-mail communications that were
12 inappropriately filtered by automatic scanning systems.

14 **NEW SECTION. Section 3. Study of offender re-entry services.** (1) For the interim following the

15 69th legislative session, the ~~law and justice interim committee~~ ~~CRIMINAL JUSTICE OVERSIGHT COUNCIL ESTABLISHED~~

16 ~~IN 53-1-216~~ shall study issues related to the provision of offender re-entry services provided by the state.

17 (2) At a minimum, the study must include a consideration of the following:

18 (a) costs and benefits of offender individual re-entry services;

19 (b) re-entry programs successful in other states; and

20 (c) impacts of re-entry services on recidivism in Montana and in other states.

21 (3) The ~~law and justice interim committee~~ ~~CRIMINAL JUSTICE OVERSIGHT COUNCIL~~ shall complete the
22 study by September 15, 2026, and report its findings and recommendations, including potential legislation, to
23 the 70th legislature and to the judicial branch, law enforcement, and justice interim budget committee.

24 (4) The ~~law and justice interim committee~~ ~~CRIMINAL JUSTICE OVERSIGHT COUNCIL~~ shall invite the

25 members of the judicial branch, law enforcement, and justice interim budget committee to each of its meetings
26 to participate in the study.

28 **NEW SECTION. Section 4. Study on consolidation of legal services.** (1) For the interim following

1 the 69th legislative session, the general government interim budget committee shall study issues related to the
2 consolidation of legal services across state agencies and discrepancies in the compensation for legal
3 occupations across state agencies.

4 (2) By September 15, 2025, the department of administration shall report to the general
5 government interim budget committee on the following:

6 (a) the distribution of hourly wage rates of lawyers and other legal occupations in state agencies;

7 (b) a comparison of state pay rates and benefits to rates and benefits paid to lawyers and other
8 legal occupations in the private sector;

9 (c) considerations or explanations for differences in the pay rates across state agencies;

10 (d) an explanation on how pay rates for lawyers and other legal occupations are set across state
11 agencies; and

12 (e) the extent to which pay exceptions are made and for what purposes.

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14 (3) By June 30, 2026, the department of administration shall provide to the general government
15 interim budget committee a proposal to consolidate legal services across state agencies, including a proposed
16 organizational structure and an estimate of the costs and benefits of consolidation. The proposal must also
17 include a proposed fee structure that would cover the costs of the consolidated legal services unit.

18 (4) (3) The general government interim budget committee shall complete the study by September 15,
19 2026, and report its findings and recommendations, including potential legislation, to the 70th legislature and to
20 the judicial branch, law enforcement, and justice interim budget committee.

21 (5) (4) The general government interim budget committee shall invite the members of the state
22 administration and veterans' affairs interim committee, the general government budget committee, and the
23 judicial branch, law enforcement, and justice interim budget committee to each of its meetings to participate in
24 the study.

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27 **Section 5.** Section 41-3-425, MCA, is amended to read:

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1 **"41-3-425. Right to counsel.** (1) Any party involved in a petition filed pursuant to 41-3-422 has the

2 right to counsel in all proceedings held pursuant to the petition.

4 (2) Except as provided in subsections (3) and (4) through (5), the court shall immediately appoint

5 the office of state public defender to assign counsel for:

7 (a) any indigent parent, guardian, or other person having legal custody of a child or youth in a

8 removal, placement, or termination proceeding pursuant to 41-3-422, pending a determination of eligibility

9 pursuant to 47-1-111;

11 (b) any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 WHEN

12 GUARDIAN AD LITEM IS NOT APPOINTED FOR THE CHILD OR YOUTH;

13 (c) any party entitled to counsel at public expense under the federal Indian Child Welfare Act [or

14 the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13]; and

16 (d) any child petitioning for reinstatement of parental rights pursuant to 41-3-615 .

17 (3) When appropriate, the court may appoint the office of state public defender to assign counsel

18 for any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 when a guardian ad

19 litem is appointed for the child or youth.

21 (4) When appropriate and in accordance with judicial branch policy, the court may assign counsel

22 at the court's expense for a guardian ad litem or a court-appointed special advocate involved in a proceeding

23 under a petition filed pursuant to 41-3-422 .

25 (4)(5) Except as provided in the federal Indian Child Welfare Act [or the Montana Indian Child Welfare

26 Act], a court may not appoint a public defender to a putative father, as defined in 42-2-201, of a child or youth in

27 a removal, placement, or termination proceeding pursuant to 41-3-422 until:

(a) the putative father is successfully served notice of a petition filed pursuant to 41-3-422; and

(b) — the putative father makes a request to the court in writing to appoint the office of state public
er to assign counsel. (Bracketed language in subsections (2)(c) and (4)(5) terminates June 30, 2025—
, Ch. 716, L. 2023.)"

NEW SECTION. Section 5. Transfer of funds. By July 15, 2025, the state treasurer shall transfer \$0 from the general fund to the missing indigenous persons task force account established in [section 1 of Bill No. 83].

COORDINATION SECTION. **Section 6. Coordination instruction.** (1) If House Bill No. 2 is passed and does not contain an appropriation to the legislative services division of at least \$50,000 to the study provided for in [section 3], then [section 3] is void.

(2) If House Bill No. 2 is passed and approved and does not contain the following appropriations study and report in [section 4], then [section 4] is void:

(a) at least \$25,000 to the department of administration to provide reports and a proposal provided section 4]; and

(b) at least \$20,000 to the legislative fiscal division to staff the study provided for in [section 4].

NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2025.

NEW SECTION **Section 8. Termination** [Sections 2 through 4] terminate September 30, 2026

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