

Amendment - 2nd Reading/2nd House-tan - Requested by: Josh Kassmier - (S) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0913.003.004

HOUSE BILL NO. 913

INTRODUCED BY F. NAVE

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; INCREASING THE NUMBER OF DISTRICT COURT JUDGES; PROVIDING FOR A REPORT ON COMMUNICATIONS AT THE MONTANA STATE PRISON; PROVIDING FOR AN INTERIM STUDY OF STATE OFFENDER INDIVIDUAL RE-ENTRY SERVICES; PROVIDING FOR AN INTERIM STUDY ON WAGES AND CONSOLIDATION OF LEGAL SERVICES; ESTABLISHING A DAILY RATE FOR DETENTION CENTERS; REVISING LEGAL REPRESENTATION AND COSTS ASSOCIATED WITH CHILDREN IN CHILD ABUSE AND NEGLECT CASES; AMENDING SECTIONS SECTION SECTIONS 3-5-102 AND 7-32-2242 AND 41-3-425, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. Section 3-5-102, MCA, is amended to read:

"3-5-102. Number of judges. In each judicial district, there must be the following number of judges of the district court:

- (1) in the 2nd, 7th, 16th, 20th, and 21st districts, two judges each;
- (2) in the 1st, 8th, and 18th districts, four judges each;
- (3) in the 4th and 11th districts, five judges each;
- (4) in the 13th district, ~~eight~~ 10 judges; and
- (5) in all other districts, one judge each."

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

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communications to or from inmates at the Montana state prison.

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

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

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

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

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

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

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

NEW SECTION. Section 3. Study of offender re-entry services. (1) For the interim following the 69th legislative session, the law and justice interim committee CRIMINAL JUSTICE OVERSIGHT COUNCIL ESTABLISHED IN 53-1-216 shall study issues related to the provision of offender re-entry services provided by the state.

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

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

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

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

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

(4) The law and justice interim committee CRIMINAL JUSTICE OVERSIGHT COUNCIL shall invite the members of the judicial branch, law enforcement, and justice interim budget committee to each of its meetings to participate in the study.

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2 NEW SECTION. Section 4. Study on consolidation of legal services. (1) For the interim following
3 the 69th legislative session, the general government interim budget committee shall study issues related to the
4 consolidation of legal services across state agencies and discrepancies in the compensation for legal
5 occupations across state agencies.

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

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

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

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

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

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

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

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

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

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

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

(2) Except as provided in subsections (3) and (4) through (5), the court shall immediately appoint the office of state public defender to assign counsel for:

(a) any indigent parent, guardian, or other person having legal custody of a child or youth in a removal, placement, or termination proceeding pursuant to 41-3-422, pending a determination of eligibility pursuant to 47-1-111;

(b) any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 WHEN GUARDIAN AD LITEM IS NOT APPOINTED FOR THE CHILD OR YOUTH;

(c) any party entitled to counsel at public expense under the federal Indian Child Welfare Act [or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13]; and

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

(3) When appropriate, the court may appoint the office of state public defender to assign counsel for any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 when a guardian ad litem is appointed for the child or youth.

(4) When appropriate and in accordance with judicial branch policy, the court may assign counsel at the court's expense for a guardian ad litem or a court-appointed special advocate involved in a proceeding under a petition filed pursuant to 41-3-422.

~~(4)(5)~~ Except as provided in the federal Indian Child Welfare Act [or the Montana Indian Child Welfare 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 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 defender to assign counsel. (Bracketed language in subsections (2)(c) and (4) ~~(5)~~ terminates June 30, 2025-- sec. 55, Ch. 716, L. 2023.)"

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Section 5. Section 7-32-2242, MCA, is amended to read:

"7-32-2242. Use of detention center -- payment of costs. (1) Local government, state, and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center.

(2) (a) Except as provided in 7-32-2245, if a person is confined in a detention center by an arresting agency not responsible for the operation of the detention center, the actual costs of holding the person in confinement must be paid by the arresting agency unless otherwise agreed to by the arresting agency and the operator of the detention center.

(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the costs must be paid by the county, except as provided in 7-32-2245. If the department of corrections is the arresting agency and the inmate is a probation violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.

(c) The department of corrections is responsible to pay actual costs for defendants following the pronouncement of sentence pursuant to 46-19-101.

(d) Payments must be made to the government unit responsible for the detention center or to the administrator operating a private detention center under an agreement provided for in 7-32-2201 on presentation of a claim to the arresting agency.

(e) For the purposes of this section, "actual costs" ~~of in reference to~~ a detention center ~~is defined as the greater of:~~

~~(i) the daily per inmate provider rate for crossroads correctional facility less 10%; or~~

~~(ii) \$82 means \$85.30 a day.~~

(3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including medical expenses, of holding the person in a detention center pending extradition must be paid by the out-of-state jurisdiction."

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2 NEW SECTION. Section 6. Transfer of funds. By July 15, 2025, the state treasurer shall transfer
3 \$40,000 from the general fund to the missing indigenous persons task force account established in [section 1 of
4 House Bill No. 83].

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6 COORDINATION SECTION. Section 7. Coordination instruction. (1) If House Bill No. 2 is passed
7 and approved and does not contain an appropriation to the legislative services division of at least \$50,000 to
8 staff the study provided for in [section 3], then [section 3] is void.

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

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

13 (b) at least \$20,000 to the legislative fiscal division to staff the study provided for in [section 4].
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15 COORDINATION SECTION. Section 8. Coordination instruction. If both House Bill No. 643 and
16 [this act] are passed and approved and if both contain a section that amends 7-32-2242, then the section
17 amending 7-32-2242 in House Bill No. 643 is void.

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19 NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 2025.
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21 NEW SECTION. Section 10. Termination. [Sections 2 through 4] terminate September 30, 2026.

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