

SENATE BILL NO. 65

INTRODUCED BY C. WOLKEN

BY REQUEST OF THE COMMISSION ON SENTENCING

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING HOUSING OPTIONS
6 FOR OFFENDERS; ESTABLISHING A LEGISLATIVE POLICY REGARDING HOUSING OPTIONS FOR
7 INDIVIDUALS LEAVING THE MONTANA STATE PRISON OR OTHER DEPARTMENT OF CORRECTIONS
8 PROGRAMS; CREATING A SUPPORTIVE HOUSING GRANT PROGRAM TO BE ADMINISTERED BY THE
9 BOARD OF CRIME CONTROL; ALLOWING THE DEPARTMENT TO PROVIDE HOUSING ASSISTANCE TO
10 CERTAIN OFFENDERS; REQUIRING THE DEPARTMENT TO COLLECT CERTAIN INFORMATION;
11 EXPANDING RULEMAKING AUTHORITY FOR THE DEPARTMENT OF CORRECTIONS AND THE BOARD
12 OF CRIME CONTROL; PROHIBITING THE DEPARTMENT AND THE BOARD FROM USING FEDERAL FUNDS
13 FOR THE GRANT PROGRAM OR HOUSING ASSISTANCE; AND AMENDING SECTIONS 46-23-1002 AND
14 53-1-203, MCA."

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

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18 NEW SECTION. **Section 1. Policy -- housing options after release.** (1) It is the policy of the state of
19 Montana that individuals released from the Montana state prison or community corrections programs be afforded
20 every REASONABLE opportunity to obtain permanent housing in order to increase the likelihood that the individuals
21 will succeed in:

- 22 (a) finding employment;
 - 23 (b) establishing ties to the community; and
 - 24 (c) avoiding recidivism and a return to prison or other corrections programs.
- 25 (2) In order to accomplish the purposes of this section, the department shall:
- 26 (a) coordinate with local governments and local agencies to identify all available housing options within
27 a community;
 - 28 (b) encourage efforts to increase available housing options; and
 - 29 (c) identify for each individual leaving the corrections system the community resources available to the
30 individual to assist with housing needs.

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 2 **NEW SECTION. Section 2. Supportive housing grant program.** (1) Within the limits of available
 3 funds, the Montana board of crime control shall develop and administer a supportive housing grant program to
 4 improve access to housing for people reentering the community from the criminal justice system or who have a
 5 criminal history.

6 (2) Counties, cities or towns, and tribal governments are eligible to receive grant funding.

7 (3) Grant funds may be used to provide case management and housing placement services, support
 8 landlord engagement activities, hire housing specialists, and build or manage risk-mitigation funds to reimburse
 9 landlords for tenant-related property damages or expenses.

10 (4) In administering the supportive housing grant program, the board shall:

11 (a) identify priorities for funding services, activities, and criteria for the receipt of program funds;

12 (b) monitor the expenditure of funds by organizations receiving funds under this section;

13 (c) evaluate the effectiveness of services and activities under this section; and

14 (d) adopt rules as necessary to implement this section.

15 (5) (a) Grants available under subsection (1) consist of state appropriations ~~and federal funds~~ received
 16 by the board for the purposes of administering the supportive housing grant program or any funds received
 17 pursuant to subsection (5)(b).

18 (b) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (5)(C), THE board may accept gifts, grants, and donations
 19 from other public or private sources, which must be used within the scope of this section.

20 (C) THE BOARD MAY NOT ACCEPT OR USE FEDERAL FUNDS TO DEVELOP OR ADMINISTER THE SUPPORTIVE
 21 HOUSING GRANT PROGRAM.

22
 23 **NEW SECTION. Section 3. Rental vouchers.** (1) If the department does not approve an offender's
 24 parole plan because the offender is unable to secure suitable living arrangements, the department may provide
 25 rental vouchers to the offender for a period not to exceed 3 months if the rental assistance will result in an
 26 approved parole plan.

27 (2) The voucher must be provided in conjunction with additional transition support that enables the
 28 offender to participate in programs and services, including but not limited to substance abuse treatment, mental
 29 health treatment, sex offender treatment, educational programming, or employment programming.

30 (3) THE DEPARTMENT MAY NOT ACCEPT OR USE FEDERAL FUNDS TO DEVELOP OR ADMINISTER THE VOUCHER

1 PROGRAM.

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3 **Section 4.** Section 46-23-1002, MCA, is amended to read:

4 **"46-23-1002. Powers of the department.** The department may:

5 (1) appoint probation and parole officers and other employees necessary to administer this part;

6 (2) authorize probation and parole officers to carry firearms, including concealed firearms, when
7 necessary. The department shall adopt rules establishing firearms training requirements and procedures for
8 authorizing the carrying of firearms.

9 (3) adopt rules for the conduct of persons placed on parole or probation, except that the department may
10 not make any rule conflicting with conditions of parole imposed by the board or conditions of probation imposed
11 by a court; and

12 (4) adopt rules to administer the rental voucher program the department may implement pursuant to
13 [section 3]."

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15 **Section 5.** Section 53-1-203, MCA, is amended to read:

16 **"53-1-203. Powers and duties of department of corrections.** (1) The department of corrections shall:

17 (a) subject to subsection (6), adopt rules necessary:

18 (i) to carry out the purposes of 41-5-125;

19 (ii) for the siting, establishment, and expansion of prerelease centers;

20 (iii) for the expansion of treatment facilities or programs previously established by contract through a
21 competitive procurement process;

22 (iv) for the establishment and maintenance of residential methamphetamine treatment programs; and

23 (v) for the admission, custody, transfer, and release of persons in department programs except as
24 otherwise provided by law;

25 (b) subject to the functions of the department of administration, lease or purchase lands for use by
26 correctional facilities and classify those lands to determine those that may be most profitably used for agricultural
27 purposes, taking into consideration the needs of all correctional facilities for the food products that can be grown
28 or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the
29 persons confined in correctional facilities;

30 (c) contract with private, nonprofit Montana corporations or, pursuant to the Montana Community

1 Corrections Act, with community corrections facilities or programs or local or tribal governments to establish and
2 maintain:

3 (i) prerelease centers for purposes of preparing inmates of a Montana prison who are approaching parole
4 eligibility or discharge for release into the community, providing an alternative placement for offenders who have
5 violated parole or probation, and providing a sentencing option for felony offenders pursuant to 46-18-201. The
6 centers shall provide a less restrictive environment than the prison while maintaining adequate security. The
7 centers must be operated in coordination with other department correctional programs. This subsection does not
8 affect the department's authority to operate and maintain prerelease centers.

9 (ii) residential methamphetamine treatment programs for the purpose of alternative sentencing as
10 provided for in 45-9-102, 46-18-201, 46-18-202, and any other sections relating to alternative sentences for
11 persons convicted of possession of methamphetamine. The department shall issue a request for proposals using
12 a competitive process and shall follow the applicable contract and procurement procedures in Title 18.

13 (d) use the staff and services of other state agencies and units of the Montana university system, within
14 their respective statutory functions, to carry out its functions under this title;

15 (e) propose programs to the legislature to meet the projected long-range needs of corrections, including
16 programs and facilities for the custody, supervision, treatment, parole, and skill development of persons placed
17 in correctional facilities or programs;

18 (f) encourage the establishment of programs at the local and state level for the rehabilitation and
19 education of felony offenders;

20 ~~(g) encourage efforts within the department of corrections and at the local level that would develop~~
21 ~~housing options and resource materials related to housing for individuals who are released from the Montana~~
22 ~~state prison or community corrections programs;~~

23 ~~(h) maintain data on the number of individuals who are discharged from the adult correction services~~
24 ~~listed in 53-1-202 into a homeless shelter or a homeless situation;~~

25 ~~(g)(i)~~ administer all state and federal funds allocated to the department for delinquent youth, as defined
26 in 41-5-103;

27 ~~(h)(j)~~ collect and disseminate information relating to youth who are committed to the department for
28 placement in a state youth correctional facility;

29 ~~(h)(k)~~ maintain adequate data on placements that it funds in order to keep the legislature properly
30 informed of the specific information, by category, related to delinquent youth in out-of-home care facilities;

1 ~~(j)~~(l) provide funding for youth who are committed to the department for placement in a state youth
2 correctional facility;

3 ~~(k)~~(m) administer youth correctional facilities;

4 ~~(h)~~(n) provide supervision, care, and control of youth released from a state youth correctional facility; and

5 ~~(m)~~(o) use to maximum efficiency the resources of state government in a coordinated effort to:

6 (i) provide for delinquent youth committed to the department; and

7 (ii) coordinate and apply the principles of modern correctional administration to the facilities and programs
8 administered by the department.

9 (2) The department may contract with private, nonprofit or for-profit Montana corporations to establish
10 and maintain a residential sexual offender treatment program. If the department intends to contract for that
11 purpose, the department shall adopt rules for the establishment and maintenance of that program.

12 (3) The department and a private, nonprofit or for-profit Montana corporation may not enter into a
13 contract under subsection (1)(c) or (2) for a period that exceeds 20 years. The provisions of 18-4-313 that limit
14 the term of a contract do not apply to a contract authorized by subsection (1)(c) or (2). Prior to entering into a
15 contract for a period of 20 years, the department shall submit the proposed contract to the legislative audit
16 committee. The legislative audit division shall review the contract and make recommendations or comments to
17 the legislative audit committee. The committee may make recommendations or comments to the department. The
18 department shall respond to the committee, accepting or rejecting the committee recommendations or comments
19 prior to entering into the contract.

20 (4) The department of corrections may enter into contracts with nonprofit corporations or associations
21 or private organizations to provide substitute care for delinquent youth in state youth correctional facilities or on
22 juvenile parole supervision.

23 (5) The department may contract with Montana corporations to operate a day reporting program as an
24 alternate sentencing option as provided in 46-18-201 and 46-18-225 and as a sanction option under 46-23-1015.
25 The department shall adopt by rule the requirements for a day reporting program, including but not limited to
26 requirements for daily check-in, participation in programs to develop life skills, and the monitoring of compliance
27 with any conditions of probation, such as drug testing.

28 (6) Rules adopted by the department pursuant to subsection (1)(a) may not amend or alter the statutory
29 powers and duties of the state board of pardons and parole. The rules for the siting, establishment, and
30 expansion of prerelease centers must state that the siting is subject to any existing conditions, covenants,

1 restrictions of record, and zoning regulations. The rules must provide that a prerelease center may not be sited
2 at any location without community support. The prerelease siting, establishment, and expansion must be subject
3 to, and the rules must include, a reasonable mechanism for a determination of community support for or objection
4 to the siting of a prerelease center in the area determined to be impacted. The prerelease siting, establishment,
5 and expansion rules must provide for a public hearing conducted pursuant to Title 2, chapter 3."

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7 **NEW SECTION. Section 6. Notification to tribal governments.** The secretary of state shall send a
8 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
9 Chippewa tribe.

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11 **NEW SECTION. Section 7. Codification instruction.** (1) [Sections 1 and 3] are intended to be codified
12 as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to
13 [sections 1 and 3].

14 (2) [Section 2] is intended to be codified as an integral part of Title 44, chapter 4, part 3, and the
15 provisions of Title 44, chapter 4, part 3, apply to [section 2].

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