



## Law and Justice Interim Committee

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### 65th Montana Legislature

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LAURA SHERLEY, Secretary

TO: Committee Members

FROM: Julianne Burkhardt, Staff Attorney

RE: Administrative Rule Activity

DATE: June 25, 2018

#### Department of Justice (DOJ)

MAR 2018 Issue No. 10 (May 25, 2018) MAR Notice No. 23-3-251

The DOJ issued a NOTICE OF PROPOSED ADOPTION regarding three new rules pertaining to the imposition of an administrative fee for drivers who refuse to submit to a blood or breath test to determine whether the presence of alcohol or drugs can be detected in the person's body. A fee of \$300 was created by House Bill 488 (2015) for these individuals. Proposed New Rule III requires the funds to be deposited in the blood-draw search warrant processing account in the state special revenue fund. The DOJ does not contemplate a public hearing regarding these rules.

#### Department of Corrections

MAR 2018 Issue No. 11 (June 8, 2018) MAR Notice No. 20-2467

The DOC issued a NOTICE OF TRANSFER of ARM Title 23, chapter 14, pertaining to the Board of Crime Control to the Department of Corrections. This transfer is required because the 2017 Legislature transferred the administrative function and responsibilities of the program from the Department of Justice to the Department of Corrections in Senate Bill 95 and House Bill 650.

MAR 2018 Issue No. 11 (June 8, 2018) MAR Notice No. 20-7-68

The DOC issued a NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT AND REPEAL regarding the amendment of ARM 20.7.901, 20.7.904, 20.7.907, 20.7.910, 20.7.913, and 20.7.919, and the repeal of ARM 20.7.916. A hearing is scheduled for July 11, 2018, at 10:00 a.m., in the Small Meeting Room of the Lewis and Clark Library. These administrative rules pertain to residential methamphetamine treatment programs. The general basis for these changes stems from House Bill 133 (2017). Specifically, 45-9-102, MCA, is being deleted from

the implementation citations because the subsections of 45-5-102 that were implemented by these rules were removed from the statute by House Bill 133. The DOC is replacing the citation to 45-9-102 with a citation to 53-1-201(1) which is the general purpose statute for the DOC and states:

The department of corrections shall use at maximum efficiency the resources of state government in a coordinated effort to:

(1) develop and maintain comprehensive services and programs in the field of adult and youth corrections[.]

ARM 20.7.913 addressing admission to the methamphetamine treatment program and aftercare is being amended primarily to allow the DOC more discretion regarding placement in the aftercare program for offenders who have completed residential methamphetamine treatment.

ARM 20.7.916 addressing sentence suspension is being repealed because, due to the deletion of 45-9-102(5) contained in House Bill 133, the rule is no longer needed.

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