

ORPA

Office of Research and  
Policy Analysis

MONTANA LEGISLATIVE  
SERVICES DIVISION

# STUDY SUMMARY: HJ 31 STUDY OF THE BOARD OF CRIME CONTROL (2019-2020)

## BACKGROUND

In 2017, the Legislature changed the structure and staffing of the Board of Crime Control (MBCC). Prior to the 2017 legislation, the board was attached to the Department of Justice (DOJ) for administrative purposes only. The 2017 Legislature enacted legislation to attach it to the Department of Corrections (DOC), which maintains a bureau to provide staff support to the board.

House Joint Resolution 31, sponsored by Rep. Bill Mercer during the 2019 legislative session, requested an interim committee study the basis for the transfer, the board's performance before and after the transfer, and if the current structure and staffing of the board meets the intent of the legislation and allows the board to be effective in controlling crime.

The 2019-2020 Legislative Council assigned HJ 31 to the Law and Justice Interim Committee (LJIC) along with three other studies.

In September 2020, the LJIC voted to forward three bill proposals to the 2021 Legislature. Proposals would reallocate the MBCC to the DOJ and revise its duties, staffing, and membership.

## STUDY PROCESS

When selecting priorities for its interim work, the LJIC assigned a higher priority to the HJ 31 study. The committee requested panels and staff papers related to

the study topics and asked that legislative staff attend MBCC meetings as much as possible as part of the LJIC's allocation of staff time to agency oversight.

In addition to background information on the staffing, structure, and authority of the MBCC, the LJIC received a [legal analysis](#) on those topics as well as the LJIC's oversight duties. The analysis identified an overarching question about what the effects might be of changing a board from an administratively allocated agency to one that was staffed by a bureau overseen by an executive branch agency, but the analysis was not able to provide a definitive answer. The analysis noted that more distinctions between the two administrative structures would become clear as time passed.

The LJIC also reviewed the [legislative history of the two bills in 2017](#) that revised the structure of the MBCC: Senate Bill 95 and House Bill 650. Although there was little discussion specific to the transfer, the sponsor of a conference committee amendment on HB 650 noted, " We're just trying to find a way to be a little bit more efficient and...we can use some of the existing staff over there at Corrections and we felt like this is going to save us some money and so this is basically rolling Crime Control into the Department of Corrections."

In an attempt to shed further light on the reasons for the MBCC's transfer, the LJIC members requested staff review the history of prior legislative attempts in both 2011 and 2017 to shift the board from the DOJ to the DOC. Although legislation was drafted in 2015, it was never introduced. In 2011, however, a House bill to shift the allocation of the MBCC made it to third reading in the Senate before failing, which provided a clearer picture of the legislative debate during that session. The sponsor intended the transfer to "save taxpayer money while still maintaining the independence of the board." The committee and floor debates revolved mainly around efficiency, effective governance of the grants the board allocates, and how best to oversee the board's staff. Although the failed 2011 bill was different than the enacted 2017 bills, the discussion during the HJ 31 study involved similar topics.

In addition to staff papers, the LJIC engaged in discussions during the interim with current and previous board members, staff, grantees, and other stakeholders in the board's work. They learned about the current operations of the board, how the board plans and conducts its work, and perspectives from longtime members of the board. In addition, the LJIC focused attention on the MBCC's allocation of grant funds intended for support of crime victims, including the Victims of Crime Act (VOCA) and the Violence Against Women Act (VOWA) funds.

## STUDY OUTCOMES

After considering the information gathered during the HJ 31 study process, the LJIC voted on September 14, 2020, to adopt three committee bills for the 2021 Legislature. The bills would:

- Revise the staffing and structure of the MBCC ([LC 450](#));
- Revise the duties of the board to remove a requirement for the board to hear appeals of the POST Council decisions ([LC 451](#)); and
- Revise the membership of the board ([LC 452](#)).

## STUDY MATERIALS

- HJ 31 study web page: <https://leg.mt.gov/committees/interim/2019ljic/hj-31-study-2019/>
- HJ 31 study text: <https://leg.mt.gov/bills/2019/billhtml/HJ0031.htm>
- HJ 31 legal analysis memo: <https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Committee-Topics/HJ-31-Study/hj31-legal-memo-crime-control-allocation-september-2019.pdf>
- LC 450 web page (to track the bill during the 2021 legislative session):  
[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P\\_SESS=20211&P\\_BLTP\\_BILL\\_TYP\\_CD=&P\\_BILL\\_NO=&P\\_BILL\\_DFT\\_NO=450&P\\_CHPT\\_NO=&Z\\_ACTION=Find&P\\_ENTY\\_ID\\_SEQ2=&P\\_SBJT\\_SBJ\\_CD=&P\\_ENTY\\_ID\\_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=450&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)
- LC 451 web page (to track the bill during the 2021 legislative session):  
[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P\\_SESS=20211&P\\_BLTP\\_BILL\\_TYP\\_CD=&P\\_BILL\\_NO=&P\\_BILL\\_DFT\\_NO=451&P\\_CHPT\\_NO=&Z\\_ACTION=Find&P\\_ENTY\\_ID\\_SEQ2=&P\\_SBJT\\_SBJ\\_CD=&P\\_ENTY\\_ID\\_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=451&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)
- LC 452 web page (to track the bill during the 2021 legislative session):  
[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P\\_SESS=20211&P\\_BLTP\\_BILL\\_TYP\\_CD=&P\\_BILL\\_NO=&P\\_BILL\\_DFT\\_NO=452&P\\_CHPT\\_NO=&Z\\_ACTION=Find&P\\_ENTY\\_ID\\_SEQ2=&P\\_SBJT\\_SBJ\\_CD=&P\\_ENTY\\_ID\\_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=452&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)