



## Legislative Update: Enacted Legislation Related to Law and Justice Interim Committee (LJIC) Topics

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The 2021 Legislature considered numerous bills related to law and justice topics. This paper summarizes those bills, excluding any provisions in House Bill 2. Although a bill might fit in more than one topic area, it is only listed once. Information about each bill, including links to hearings held on the bill, can be found at the legislative website: <https://leg.mt.gov/>.

### **Civil Procedure**

- HB 435** Sets conditions on civil actions for exposure to COVID-19. Limits government liability. Limits liability of government entities and health care providers.
- HB 537** Revises venue laws to eliminate choice of venue in First Judicial District (Lewis and Clark County) in certain instances. Establishes venue for certain out-of-state litigants in the First Judicial District.
- SB 65** Sets conditions on civil actions for exposure to COVID-19.
- SB 69** Provides that the offer of settlement procedure is available at any time in the courts of limited jurisdiction.
- SB 114** Increases the homestead value limitation and provides for annual increases.
- SB 172** Revises emergency and disaster laws to prohibit discriminatory action by the government.
- SB 261** Increases the monetary threshold for jurisdiction in justice courts.
- SB 338** Limits the duty of care owed to a trespasser.

### **Corrections**

- HB 73** Requires the Legislative Services Division to provide staff support for the Criminal Justice Oversight Council.
- HB 331** Requires adult and youth correctional facilities to grant access to legislators.
- HB 451** Requires time spent in a residential treatment facility under the order of a court to be credited to a person as time served in incarceration.
- HB 578** Requires the Department of Corrections to notify a sentencing court when the department does not accept delivery of a defendant within 5 days of the oral pronouncement of sentence.

- [HB 658](#) Revises laws related to restrictive housing.
- [SB 47](#) Requires the Department of Corrections to report certain data related to a DOC commit to the sentencing judge, LJIC, and the Criminal Justice Oversight Council.
- [SB 222](#) Revises process used for name change petitions by a person who is under the supervision or custody of the Department of Corrections.
- [SB 344](#) Allows the Department of Corrections to repurpose correctional facilities serving youth and adult offenders.

### **Crimes and Criminal Procedure**

- [HB 91](#) Provides for automatic removal from the violent offender registry after 10 years for certain violent offenses. Vacates certain convictions for failure to register. Revises when a violent offender may not petition for removal from the violent offender registry.
- [HB 92](#) Creates a compensation program for individuals who have been wrongly convicted of felony crimes.
- [HB 105](#) Revises criminal offense of unlawful transactions with children to prohibit giving or selling to children certain tobacco, alternative nicotine, or vapor products.
- [HB 115](#) Increases penalties for 5<sup>th</sup> and subsequent DUIs.
- [HB 211](#) Provides certain compensation to a parent or guardian of a child victim of a sexual offense.
- [HB 310](#) Allows a sexual assault victim to know the status of the victim's evidence kit.
- [HB 333](#) Revises crime of unlawful possession of a firearm by a convicted person to include a person convicted of a crime that requires registration as a sexual or violent offender.
- [HB 391](#) Provides a penalty for criminal distribution of drugs when a person is killed by the dangerous drug that was distributed.
- [HB 425](#) Extends the termination date for the crime victim compensation account.
- [HB 449](#) Revises laws regarding electronic monitoring as a condition of pretrial release. Creates rebuttable presumption that electronic monitoring be imposed as a condition of pretrial release when an offense involves felony partner or family member assault, strangulation of a partner or family member, felony stalking, or felony violation of an order of protection

[HB 478](#) Provides that breath analysis is included in the possible expenditures for the blood-draw search warrant processing account.

[HB 481](#) Provides for protection of critical infrastructure. Provides civil and criminal penalties for persons or entities trespassing on or damaging critical infrastructure.

[HB 501](#) Provides that failure to wear a face covering or carry proof of vaccination may not be considered in the crime of criminal trespass.

[HB 520](#) Creates safe harbor for sex workers who are sexually assaulted.

[HB 551](#) Requires that time spent in a residential treatment center under an order of a court must be credited as time served to the individual sentenced for a crime.

[HB 553](#) Limits the time for which a suspended sentence may be imposed for certain felony offenses.

[HB 559](#) Revises laws related to confidential criminal justice information.

[SB 39](#) Revises laws related to sexual offender evaluations and treatment. Requires certain licensing boards to establish standards for assessment, evaluation, treatment, and monitoring of sexual offenders.

[SB 220](#) Provides that the crime of assault on a peace officer or judicial officer includes assault with what appears to be a weapon.

[SB 240](#) Revises penalties for falsely reporting crimes.

[SB 365](#) Revises and reorganizes driving under the influence laws.

#### **Estates and Trusts**

[HB 293](#) Revises laws related to providing for the Uniform Trust Decanting Act.

[HB 304](#) Clarifies the definition of community land trusts that own land to preserve affordable housing.

[HB 463](#) Revises the Uniform Prudent Management of Institutional Funds Act to decrease the amount of time before an institution may release or modify a restriction on a gift instrument or instrument of donor intent.

[HB 480](#) Revises order of protection laws to allow a guardian, conservator, or agent to act on behalf of an incapacitated adult in petitioning for an order of protection or for the substitute address program.

[SB 68](#) Revises the establishment of a homestead exemption to provide that a homestead may be claimed for certain property in a revocable trust.

[SB 200](#) Revises the Uniform Real Property Transfer on Death Act.

[SB 239](#) Establishes the Uniform Directed Trust Act.

### **Family Law and Minors**

[HB 39](#) Provides for interim legislative review of child protective services matters.

[HB 57](#) Requires a review hearing within 60 days to determine the necessity of therapeutic placements in child abuse and neglect proceedings.

[HB 60](#) Aligns protective services terminology with Family First Prevention Services Act.

[HB 90](#) Requires a hearing within 5 business days of a child's removal from the home.

[HB 164](#) Revises laws related to temporary, automatic domestic relations orders in invalidity of marriage, dissolution of marriage, and legal separation proceedings.

[HB 208](#) Revises mental health services laws for women relinquishing a child for adoption.

[HB 307](#) Repeals obligation of adult children to support indigent parents.

[HB 426](#) Requires the Department of Public Health and Human Services to respond to reports from the Office of the Child and Family Ombudsman.

[HB 459](#) Provides for certification of child protection specialists investigating matters of suspected child abuse, neglect, or endangerment.

[HB 502](#) Provides an exemption from licensure for an attorney or health care provider assisting a parent in identifying or locating a child for adoption or an adoptive parent.

[HB 503](#) Revises laws related to child abuse and neglect proceedings to establish a voluntary emergency protective services hearing within 5 days of a child's removal from the home. Provides for expansion and continuation of existing pilot projects.

[HB 517](#) Revises marijuana penalties for persons under 21 years of age.

[HB 574](#) Revises reporting requirements on the out-of-state placement of high-risk children with multiagency needs.

[HB 625](#) Revises laws related to the Child and Family Ombudsman.

- [SB 17](#) Clarifies that minors may not disaffirm contracts for housing.
- [SB 104](#) Adopts the Uniform Family Law Arbitration Act.
- [SB 400](#) Restricts a governmental entity's ability to interfere with fundamental parental rights. Establishes a cause of action for interference with parental rights.

### **Guns and Weapons**

- [HB 102](#) Provides locations where concealed weapons may be carried and exceptions.
- [HB 258](#) Prohibiting the enforcement of a federal ban on or regulation of firearms, magazines, ammunition, ammunition components, or firearm accessories.
- [HB 504](#) Provides that during a declared emergency the state may not confiscate, prohibit, or regulate firearms, components, accessories, or other weapons. Provides that businesses related to firearms or weapons may not be restricted.
- [HB 572](#) Establishes the Montana school marshal program.
- [HJ 5](#) Joint resolution on the federal taxation of guns.
- [SB 223](#) Creates a process for qualified retired law enforcement officers to maintain their firearms qualification and maintain their ability to carry concealed after retirement as if they were active peace officers.
- [SB 283](#) Revising laws regarding firearms on school grounds. Clarifies what modifying the requirement for expulsion means and what constitutes a violation. Requires school official to provide notice of certain rights and the Office of Public Instruction to make certain information public.

### **Interim Studies**

- [HJ 4](#) Interim study of the criminal commitment process and placement of individuals with mental illness.
- [HJ 29](#) Interim study of victim services funding.
- [HJ 31](#) Study of collection and dissemination of criminal justice system data in Montana.
- [HJ 34](#) Interim study of pretrial and presentence diversion programs.
- [HJ 40](#) Interim study and performance audit request of the Judicial Standards Commission.

[HJ 47](#) Interim study and performance audit of educational and career training opportunities for incarcerated and recently incarcerated individuals.

[SB 303](#) Interim study of inmate telecommunications services.

[SJ 26](#) Interim study of the women's prison

### **Judges and Justices, Courts**

[HB 325](#) Establishes Supreme Court districts and provides for the selection of the chief justice. Submits the proposed act to the electorate at the 2022 general election.

[HB 380](#) Requires Senate confirmation for the judicial standards commission members.

[HB 709](#) Revises fee for double proxy marriages.

[HR 7](#) Directs the immediate legal intervention on behalf of the Montana Legislature and the House of Representatives as an indispensable party in order to protect the integrity of the House of Representatives and its ability to fulfill its constitutional role and apply associated statutes and relevant rules of the House of Representatives.

[SB 31](#) Requires consideration of less restrictive alternatives in adult guardianship proceedings.

[SB 127](#) Eliminates the ability of a municipal court judge to appoint a part-time assistant judge.

[SB 140](#) Revises laws related to certain judicial appointments. Provides for direct appointment process for the governor to appoint district court judges and supreme court justices to fill judicial vacancies. Repeals the Judicial Nomination Commission.

[SB 261](#) Increases the monetary threshold for jurisdiction in justice court.

[SB 402](#) Revises laws relating to the judiciary. Provides that judges may not preside in certain situations. Increases fee for entry of judgment. Provides that the Judicial Nomination Commission include 8 lay members on the occurrence of a contingency.

[SJ 8](#) Urges members of the U.S. Congress to propose the "Keep Nine" amendment to the Constitution of the United States to require that the U.S. Supreme Court be composed of nine justices.

[SR 97](#) Directs immediate legal intervention on behalf of the Montana Legislature and the Senate as an indispensable party in order to protect the integrity of the

Legislative Branch and its ability to fulfill its constitutional role and apply associated statutes and relevant rules of the Senate.

### **Law Enforcement**

- [HB 28](#) Eliminates the requirement that the Board of Crime Control hear appeals from decisions made by the Public Safety Officers Standards and Training Council.
- [HB 35](#) Establishes a missing indigenous persons review commission.
- [HB 98](#) Extends the Missing Indigenous Persons Task Force and the grant program it administers.
- [HB 144](#) Removes penalties for a sheriff, constable, or peace officer who does not assist a state or local health officer.
- [HB 200](#) Prohibits state agencies and local governments from enacting or enforcing certain policies concerning citizenship and immigration.
- [HB 223](#) Creates a statutory duty for public safety officers to arrest individuals already in custody who are the subject of immigration detainer requests.
- [HB 243](#) Allows a reserve officer to serve as a court officer in a municipal court.
- [HB 309](#) Authorizes a tribal law enforcement agency to take an abandoned vehicle into custody in certain circumstances.
- [HB 386](#) Allows an auxiliary officer to carry a weapon on search and rescue missions.
- [HB 539](#) Revises laws related to county attorneys. Revises when special counsel may be employed. Limits when the Department of Public Health and Human Services is required to report allegations of child sexual abuse or child sexual exploitation to a county attorney. Revises the timing of reporting to the Attorney General.
- [HB 656](#) Requires county reimbursement for assumption of criminal jurisdiction within the Flathead Indian Reservation. Provides that Lake County may withdraw from enforcement of criminal jurisdiction on behalf of the state.
- [HB 665](#) Provides that booking photographs are public criminal justice information. Requires a clerking fee for release of certain photographs.
- [HB 696](#) Revises the administration of the crisis intervention team training program and provides an appropriation.
- [HJ 14](#) Urges Congress to categorize public safety telecommunicators as a protective services occupation under the federal standard occupational classification system.

- [SB 4](#) Extends the termination of the Missing Indigenous Persons Task Force.
- [SB 67](#) Clarifies that only local health officers may request assistance of law enforcement. Removes the potential penalty if law enforcement fails to assist.
- [SB 219](#) Provides for the release of phone location information to a law enforcement agency or agent of a public safety answering point in an emergency.
- [SB 232](#) Requires that the salary survey used to establish the base salary for highway patrol officers to include certain city police departments.
- Privacy**
- [HB 602](#) Revises warrant requirements for DNA search results. Requires a warrant for a search from a consumer DNA database and for familial DNA search or search results from partial DNA matching from the state DNA identification index.
- [HB 559](#) Revises laws related to confidential criminal justice information. Provides certain notice requirements to individuals who may have a privacy interest in the information requested that must be met by the time a declaratory judgment action is filed
- Miscellaneous**
- [SB 19](#) Revises the staffing and structure of the Board of Crime Control. Allocates the Board to the Department of Justice for administrative purposes only.
- [SB 50](#) Revises membership of the Board of Crime Control to include a representative of organizations that provide services and support to crime victims.
- [HB 693](#) Implements provisions of the General Appropriations Act. (Section D Companion bill)