

CRIMINAL JUSTICE OVERSIGHT COUNCIL

2025 – 2026 WORK PLAN



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TABLE OF CONTENTS

Council Membership and Staff, 2025-2026	1
Background.....	2
Council Procedures.....	2
Election of Officers.....	2
Proxy Votes	2
Travel and Expense Reimbursement	3
Cycle of Council work	3
Work Plan Topics.....	4
Council Duties	4
Required Reports.....	4
Studies Assigned to the CJOC.....	5
SJ 36: Interim study of dependent neglect standards for prosecutors	5
HJ 45: Interim study on the impact collateral consequences have on criminal record expungement.....	5
Member Suggested Topics	6
Individual Member Research Requests	6
Meeting Dates	6
APPENDIX A.....	7

INTRODUCTION

COUNCIL MEMBERSHIP AND STAFF, 2025-2026

The Criminal Justice Oversight Council includes members appointed by all three branches of government, including legislators, executive agency leadership, and other criminal justice stakeholders appointed by the Montana Supreme Court, the Attorney General, and the Governor. Appointments are made in accordance to [53-1-216, MCA](#).

Member	Role
Rep. Amy Regier	Member of the House of Representatives
Rep. SJ Howell	Member of the House of Representatives
Sen. Barry Usher	Member of the Senate
Sen. Laura Smith	Member of the Senate
Hon. Luke Berger	District court judge
Hon. Mark Dunn	Municipal court judge
Alan Doane	Attorney General's designee
Director Brian Gootkin	Director of the Department of Corrections
Director Brett Schandelson	Director of the Office of State Public Defender
Director Charlie Brereton	Director of the Department of Public Health and Human Services
TBD*	County sheriff
Scott Twito	County attorney
Eldena Bear Don't Walk	Member of a federally recognized Indian tribe located within the boundaries of the state of Montana who has expertise in criminal justice
Jimmy Patelis	Member of the Board of Pardons and Parole
Shantelle Gaynor	Representative of crime victims who also serves on the board of crime control established in 2-15-2008
Jessica Flint**	Representative of civil rights advocates
David Armstrong***	Representative of community corrections facilities
Amy Tenney	Representative of community corrections facilities

Assigned Staff

Laura Sherley, Research Analyst | Ania Alduenda, Legislative Secretary

*Sheriff Ross Canen resigned from the council in August 2025. As of September 17, 2025, a representative has not been reappointed.

**Ms. Flint was appointed to replace Henry Seaton as the civil rights advocate representative on the council in July 2025.

*** Mr. Armstrong was appointed to replace Melissa Kelly as one of the representatives of community corrections facilities on the council in July 2025 after Ms. Kelly submitted her resignation from the council in July 2025.

BACKGROUND

The Montana Criminal Justice Oversight Council (the council) was created by [SB 59](#)¹ of the 65th Montana Legislature to monitor and report on the effects of criminal justice legislation. In 2021, the 67th Montana Legislature passed [HB 73](#)², which assigned Legislative Services Division staff to support the council's efforts.

The statutory duties and membership requirements of the council are codified in [MCA 53-1-216](#). The council reports to the Law and Justice Interim Committee and the Legislative Finance Committee.

COUNCIL PROCEDURES

The CJOC is subject to the [Legislative Council's Rules, Procedures, and Guidelines](#). The rules and guidelines provide structure and outline the requirements for the councils' work, including public notice and participation requirements, parliamentary procedures, and the use of staff.

A 10-day advance public notice will be given for all regular meetings and the public will be given an opportunity to comment on any matter within the council's jurisdiction during meetings. The presiding officer may establish time limits for public comment if necessary.

Meeting agendas, links, documents, and other information can be found on the [CJOC webpage](#)³. Interested persons may also sign up to receive electronic meeting notifications at <https://public.govdelivery.com/accounts/MTLSB/subscriber/new>.

ELECTION OF OFFICERS

Nominations for the presiding officer, who must be a legislator, and vice-presiding officer of the council are made during the first meeting of the council after each legislative session.

To be elected, a candidate shall obtain majority vote. Members shall vote for the presiding officer and vice-presiding officer by voice vote or a roll call vote.

PROXY VOTES

The CJOC approved the use of proxy votes at its meeting on May 28, 2025. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member. Written proxies include email communications.

When a statutorily appointed director is not available, the department's deputy director may appear at a council meeting to represent the interests of the department. The deputy director may not vote; instead, the director may designate a proxy to a standing council member in accordance with the [Legislative Council's Rules, Procedures, and Guidelines](#).

¹ Senate Bill 59 (2017) - https://bills.legmt.gov/#/bill/20171/LC0552?open_tab=bill

² House Bill 73 (2021) - https://bills.legmt.gov/#/bill/20211/LC1315?open_tab=bill

³ <https://committees.legmt.gov/#/nonStandingCommittees/1>

TRAVEL AND EXPENSE REIMBURSEMENT

The presiding officer is responsible for authorizing out-of-state travel by council members that will result in a request for reimbursement from the council's budget.

Council members shall receive salary as provided by law:

- Legislative members must be compensated as provided in [MCA 5-2-302](#).
- Members of the council who are full-time salaried officers or employees of this state or any political subdivision are entitled to their regular compensation per [MCA 53-1-216](#).

Council members shall be reimbursed for meals, lodging, mileage, and miscellaneous expenses as provided by law in [MCA 2-18-501 through 2-18-503](#), and the travel policy established by the Legislative Council.

For further information about reimbursement, please reach out to the Legislative Financial Office at LEGFinServices@legmt.gov.

CYCLE OF COUNCIL WORK

The [Legislative Council's Rules, Procedures, and Guidelines](#) provide a guideline date of September 15, 2026, for completing interim work. Completing interim work means that the council:

- adopts findings, conclusions, and recommendations, if any, with respect to an interim study assigned to it by bill, by the Legislative Council, or under its own authority;
- approves publications requested by the council or required by statute;
- if a final report is prepared, approves a draft of the report, as prepared by the council's staff;
- approves for introduction in the next legislative session all draft legislation that is prepared by the council's staff on behalf of the council;
- assigns a legislative member of the council, preferably an unopposed or holdover legislator, as the sponsor of proposed council legislation; and
- completes all other duties and responsibilities assigned to the council under [MCA 53-1-216](#), unless another date is specifically provided by law or in case of exigency.

2025 – 2026 WORK PLAN

WORK PLAN TOPICS

Per the [Legislative Council's Rules, Procedures, and Guidelines](#), by the conclusion of the second regular meeting following the appointment of new members, the council shall establish a work plan for the biennium. Work plan topics include statutorily assigned responsibilities, study resolutions enacted by the 2025 Legislature and assigned to the council by the Legislative Council, and study topics suggested by council members.

COUNCIL DUTIES

53-1-216, MCA, provides for the council's duties:

(4) The council shall:

- (a) provide direction and recommendations to the board of crime control regarding data to be included in the criminal justice data warehouse established in [44-7-216, MCA](#), and policies to govern the use of and priorities for the criminal justice data warehouse;
- (b) study and recommend solutions to address issues facing the criminal justice system and its constituent state and local agencies;
- (c) monitor the functioning of the criminal justice system; and
- (d) make recommendations to the legislature to address system issues proactively, manage limited resources, improve workloads, make improvements to state and local criminal justice systems, meaningfully address crime, and enhance public safety.

(5) The council shall submit a report to the governor and legislature, as provided in [5-11-210](#). The report must include a description of the council's proceedings since the previous report.

REQUIRED REPORTS

Additionally, the council is assigned additional responsibilities from other statutory sources. This includes receiving reports required by law to be given to the CJOC. Reporting entities must submit specific reports to CJOC by September 1 of the year preceding a legislative session, unless otherwise directed in statute. CJOC may also request a presentation on a specific report from the agency. These reports are submitted in compliance with [5-11-210, MCA](#), which establishes the Legislative Services Division as the clearinghouse for the reports.

Reporting Entity	Description	Law and Timeline
Recovery Residence Certifying Organization	Compliance Report	Annually, MCA 53-24-311
Department of Corrections	Offenders Under Supervision During Previous FY Convicted of New Felony Offense or Revoked Under Certain Circumstances	Annually, MCA 46-23-1016

STUDIES ASSIGNED TO THE CJOC

The Legislative Council assigned two studies to the CJOC for the 2025-2026 interim:

- SJ 36: Interim study of dependent neglect standards for prosecutors
- HJ 45: Interim study on the impact collateral consequences have on criminal record expungement

While the CJOC can choose its preferred level of involvement for each study, most interim studies can be broken into three main stages:

- **Stage 1: Compile Background Information** – This stage is typically the most extensive and includes several steps designed to help gather background information about a study topic. Information is typically generated from reviews of existing laws, research conducted by legislative staff, and information provided by stakeholders through panel presentations or written materials.
- **Stage 2: Identify and Research Issues** – In this stage, members identify problems that could be addressed through further study, legislation, or other action. Study activities in Stage 2 may include further research conducted by legislative staff and additional presentations from stakeholders or policy experts.
- **Stage 3: Develop/Finalize Recommendations** – After compiling background information, identifying issues, and researching options, the council can discuss and act on the recommendations it wants to make to the Legislature or others, as well as any legislation it intends to forward to the next Legislature.

If the CJOC chooses not to take action on a study, it should inform the Legislative Council of its recommendation.

SJ 36: INTERIM STUDY OF DEPENDENT NEGLECT STANDARDS FOR PROSECUTORS

SPONSOR: SEN. LENZ

Senate Joint Resolution 36 requests that the CJOC evaluate methods of standardizing prosecution of dependent neglect matters to improve outcomes for children and families, with specific consideration given to possible expansion of the Department of Justice's Child Protection Unit to handle all cases statewide.

At the July 2025 meeting, the council elected to recommend that the Legislative Council rerefer this study to the Children, Families, Health, and Human Services Interim Committee (see [Appendix A](#)).

HJ 45: INTERIM STUDY ON THE IMPACT COLLATERAL CONSEQUENCES HAVE ON CRIMINAL RECORD EXPUNGEMENT

SPONSOR: REP. SEEKINS-CROWE

House Joint Resolution 45 requests that the CJOC study and determine the collateral consequences of criminal convictions and propose legislation to improve criminal record expungement laws, with a focus on improving the collateral consequences those with expunged criminal records face.

At the July 2025 meeting, the council elected to a medium level of study to this topic. This includes:

- Staff background paper on the legislative history of the Misdemeanor Expungement Clarification Act.
- DOJ presentation of the criminal record expungement process.
- Panel(s) or stakeholder discussion of collateral consequences associated with criminal record expungement.
- Final report of council's activities, findings, recommendations, and drafting of any council-requested legislation.
- Staff summary of strengths and challenges of current statutory organization based on stakeholder feedback.
- Staff comparative analysis on criminal record expungement laws in surrounding states
- State agency review of felony recidivism rates and reentry success for individuals with expunged records.

MEMBER SUGGESTED TOPICS

There are numerous criminal justice topics the CJOC may choose to designate council time to study. A list of the member-suggested topics is provided below. However, the council is not limited to choices on that list. It is a selection of possibilities brought forward by members during the council's May 2025, July 2025, and September 2025 meetings. If additional issues emerge in the coming months, the CJOC is free to revise the work plan to accommodate its changing needs.

- Siloed Behavioral Health and Criminal Justice Systems
- Recovery Residences
- Victim/Child Victim Services
- Fines, Court Fees, and Restitution
- Vicarious Trauma experienced in the Criminal Justice System
- Absconding on Street Time Credit
- Incarcerated People's Communication Services
- Human Trafficking

INDIVIDUAL MEMBER RESEARCH REQUESTS

Individual members of the council may seek additional information on issues that fall under the umbrella of CJOC. These issues may be raised by constituents, may be emerging problems in Montana or other states, or may be of interest to a particular member. If the council chooses not to pursue information on a topic, the individual council member may submit a research request. Under rules adopted by the Legislative Council, a staff member may provide up to 16 hours of research for a request that is not included in a council's work plan unless the presiding officer approves additional research time.

MEETING DATES

The following meeting dates provide a tentative schedule. Council members may change the dates as their schedules allow to better reflect changing priorities.

July 23, 2025 (W)	- Work plan prioritization and other organizational tasks
September 11, 2025 (Thu)	- Start studies
November 18, 2025 (Tue)	- Continue studies
January 15, 2026 (Thu)	- Continue studies
March 11, 2026 (W)	- Continue studies - Develop topics for final reports, if any
May 6, 2026 (W)	- Continue studies - Develop/discuss any draft recommendations
July 15, 2026 (W)	- Continue studies - Develop/discuss any draft recommendations
September 2, 2026 (W)	- Final approval of recommendations, reports, and proposed legislation - Select bill sponsors, as needed

APPENDIX A



Criminal Justice Oversight Council

69th Montana Legislature

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SENATE MEMBERS	HOUSE MEMBERS	PUBLIC MEMBERS	PUBLIC MEMBERS	COMMITTEE STAFF
LAURA SMITH	SJ HOWELL	DAVID ARMSTRONG	JESSICA FLINT	LAURA SHERLEY, Lead Staff
BARRY USHER - Chair	AMY REGIER	HON. LUKE BERGER - Vice Chair	BRIAN GOOTKIN	ANIA ALDUENDA, Secretary
		ELDENA BEAR DON'T WALK	SHANTELE GAYNOR	
		CHARLIE BRERETON	JIMMY PATELIS	
		ROSS CANEN	BRETT SCHANDELSON	
		ALAN DOANE	AMY TENNEY	
		HON. MARK DUNN	SCOTT TWITO	

August 1, 2025

Dear Chair Bogner and Legislative Council members,

Senate Joint Resolution No. 36 (SJ 36) requested that an interim committee explore the standardization of prosecution in matters of dependent neglect in Montana. The Legislative Council assigned this study, ranked 36th in the study resolution survey, to the Criminal Justice Oversight Council (CJOC) along with one other study resolution. During the CJOC's meeting on July 23, members voted to request that the Legislative Council reassign the SJ 36 study to the Children, Families, Health, and Human Services Interim Committee (CFHHS). The CJOC believes that the SJ 36 study would require an extensive legislative response, which is better addressed in a legislative interim committee. Additionally, the composition of the CJOC does not adequately represent the stakeholders involved in this complex issue.

To effectively address SJ 36, CJOC believes that CFHHS and its stakeholders are better positioned to manage the study and workload. Additionally, the CJOC recommends that the study not only focus on the standardization of prosecution processes but also expand to include the standardization of offices involved in these matters.

The CJOC makes this request pursuant to section 5-5-217(3), MCA, which allows a statutory committee to recommend to the Legislative Council that a study be assigned to another interim committee or statutory committee.

Thank you for considering this recommendation. Please contact the CJOC staff or me with any questions.

Sen. Barry Usher, Council Presiding Officer

cc:

Rep. Jodee Etchart, Presiding Officer, Children, Families, Health, and Human Services Interim Committee

Sen. Dennis Lenz, sponsor of SJ 36

Jerry Howe, Executive Director, Montana Legislative Services Division

MONTANA LEGISLATIVE SERVICES DIVISION STAFF: JERRY HOWE, EXECUTIVE DIRECTOR • RACHEL WEISS, DIRECTOR, OFFICE OF RESEARCH AND POLICY ANALYSIS • JASON MOHR, ENVIRONMENTAL ANALYST, LEGISLATIVE ENVIRONMENTAL POLICY OFFICE • TODD EVERTS, DIRECTOR, LEGAL SERVICES OFFICE • DALE GOW, CHIEF INFORMATION OFFICER, OFFICE OF LEGISLATIVE INFORMATION SERVICES • ANGIE CARTER, FINANCIAL MANAGER • KELLY DASILVA, HUMAN RESOURCES MANAGER