

# DRAFT LEGISLATION: DECISION POINTS

## BACKGROUND

The Criminal Justice Oversight Council will review three pieces of draft legislation on November 15, 2022. This paper outlines key decision points for the council. Draft legislation is available on the council's [website](#). To submit public comment, use the [public comment form](#).

## CJOC 1.2

CJOC 1.2 revises sentencing laws for theft and thematically-related crimes. This draft reverses changes made to the Montana Code Annotated after 2015 and reduces the felony amount for theft (45-6-301, MCA) from \$1,500 to \$500.

### CJOC 1.2 DECISION POINTS:

1. Would the council like to change the felony dollar amounts for any statutes?
2. Is there any language the council would like to strike, amend, or introduce?

## CJOC 5.3

Current Montana law does not specifically enumerate theft of vehicles. Earlier drafts of CJOC 5 used "motor vehicle," which includes quadricycles and golf carts modified for use on highways. In accordance with council direction to exclude these vehicles, CJOC 5.3 uses "light vehicle" instead of "motor vehicle."

### CJOC 5 DECISION POINT:

1. Is there any language the council would like to strike, amend, or introduce?

### PERTINENT STATUTES:

[61-1-101\(32\)](#) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

[61-1-101\(43\)\(a\)](#) "Motor vehicle" means:

- (i) a vehicle propelled by its own power and designed or used to transport persons or property on the highways of the state;

- (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or
- (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

## CJOC 6.2

CJOC 6 creates a pretrial diversion pilot program for certain non-violent drug offenses, under the oversight of the Department of Justice. It includes an appropriation section to fund this program and requires the department to submit an annual program report to the Criminal Justice Oversight Council and Law and Justice Interim Committee. CJOC 6.2 incorporates direction from the council at its August 30 meeting.

### **CJOC 6 DECISION POINTS:**

1. In how many counties should the pilot program run?
2. Where within the Department of Justice should the program be housed?
3. Should there be additional areas included in the annual report?
4. How much should the appropriation be?

### **PERTINENT STATUTES:**

The following offenses are eligible for the pretrial diversion program in this draft:

45-9-102. Criminal possession of dangerous drugs.

45-9-104. Fraudulently obtaining dangerous drugs.

45-9-105. Altering labels on dangerous drugs.

45-9-121. Criminal possession of toxic substance – penalty.