

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act requiring that the office of state public defender establish a holistic defense pilot project; and providing an effective date and a termination date."

WHEREAS, the Task Force on State Public Defender Operations was established under House Bill No. 627 (2015) to develop a long-term organizational plan for the Office of State Public Defender that will allow the office to provide effective assistance of counsel to those who qualify; and

WHEREAS, as part of its work the task force learned about holistic defense and how it is being used successfully by the Confederated Salish and Kootenai Tribes of the Flathead Nation; and

WHEREAS, holistic defense is based on a model of providing public defender services that address ~~that~~ underlying causes and circumstances that drive people into the criminal justice system and the consequences of that involvement by offering comprehensive legal representation, social work support, and interdisciplinary advocacy for the client; and

WHEREAS, the ultimate goal of holistic defense is to reduce recidivism, keep individuals from ~~cycling through~~ ~~become stuck in~~ ~~revolving doors within~~ the criminal justice system because of educational, social and economic stresses, mitigate the

collateral consequences ~~for~~ to clients, families and communities, and save taxpayer dollars in the long-term; and

WHEREAS, the task force determined that a pilot project would help determine the merits of using a holistic defense approach in Montana's public defender system.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. Section 1. Holistic defense pilot project.

(1) The office shall establish a holistic defense pilot project as provided in this section.

(2) The pilot project must be established in four public defender offices located in communities that are a representative cross section of Montana's population demographically, ~~and~~ economically and geographically.

(3) The pilot project must be based on accepted best practices for holistic defense and the following four pillars of holistic defense:

(a) seamless access to legal and non-legal services that meet client legal and social ~~support~~ needs;

(b) dynamic interdisciplinary communication among staff;

(c) advocates with interdisciplinary skill sets; and

(d) a robust understanding of and connection to the community and population of clients served.

(4) (a) The pilot project must involve the establishment in the ~~pilot participating~~ offices of an interdisciplinary team that provides a comprehensive client-centered approach to ~~address~~ a clients' 's legal needs, addressing both criminal

charges and collateral consequences, as well as any underlying social concerns

that may have contributed to the client's involvement in the criminal justice system.

(b) Composition of the interdisciplinary team will depend upon resources in the pilot office and the community where the pilot is located but at a minimum should ~~As needed and appropriate, the interdisciplinary team may~~ include:

(i) a public defender;

(ii) a social worker or resource advocate;

(iii) an investigator;

(iv) a paralegal; and

(v) support staff.

(5) To provide for sound analysis and evaluation of pilot project outcomes, the pilot office shall:

(a) complete a community assessment to determine the needs and resources of the community where the pilot is located;

(b) establish a set of performance criteria that will be used to evaluate effectiveness of the pilot project including, but not limited to, rates of incarceration, homelessness, enrollment in financial, social, vocational, educational and treatment services and recidivism—understanding that the pilot will define these criteria according to baseline data, needs and resources in the community.~~evaluated and a plan for how the criteria will be evaluated; and~~

~~_(c) determine ensure that there is a baseline level of~~
data on each of the criteria to be evaluated; ~~and~~

~~(c) ensure that a community assessment is done to form
the basis of the holistic defense approach in each of the
communities participating in the pilot project.~~

(6) The pilot offices, separately or together, shall seek any grant funding and any technical assistance that may be available for holistic defense programs.

(7) The office shall provide a report on the pilot project each interim to the law and justice interim committee established in 5-5-226. The report must cover the project's status, evaluation plan, and any measurable outcomes.

NEW SECTION. Section 2. {standard} Codification instruction. [Section 1] is intended to be codified as an integral part of Title 47, chapter 1, part 1, and the provisions of Title 47, chapter 1, part 1, apply to [section 1].

NEW SECTION. Section 3. {standard} Effective date. [This act] is effective on July 1, 2017.

NEW SECTION. Section 4. {standard} Termination. [This act] terminates on July 1, 2019.

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