

1 HOUSE BILL NO. 44
2 INTRODUCED BY S. LAVIN
3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DUTIES AND PARTICIPATING AGENCIES OF THE
6 CRIMINAL INTELLIGENCE INFORMATION SECTION; REVISING THE MEMBERSHIP OF THE CRIMINAL
7 INTELLIGENCE INFORMATION ADVISORY COUNCIL; AND AMENDING SECTIONS 44-5-501, 44-5-503,
8 44-5-506, AND 44-5-511, MCA."

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10 WHEREAS, House Bill No. 142 (Chapter 126, Laws of 2011) required interim committees to "review
11 statutorily established advisory councils and required reports of assigned agencies to make recommendations
12 to the next legislature"; and

13 WHEREAS, the Law and Justice Interim Committee voted to make the recommendations contained in
14 this bill.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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18 **Section 1.** Section 44-5-501, MCA, is amended to read:
19 **"44-5-501. Creation of criminal intelligence information section -- advisory council.** (1) The
20 department of justice may create a criminal intelligence information section.

21 (2) (a) If a section is created under subsection (1), the attorney general shall establish a criminal
22 intelligence information advisory council in accordance with 2-15-122, consisting of one representative from the
23 Montana chiefs of police association, one representative from the Montana sheriffs and peace officers
24 association, one representative from the Montana county attorneys association, one member of the department
25 of justice, a member of the judiciary committee of either the house of representatives or the senate, ~~and~~ a citizen
26 at large, and a member from a participating criminal justice agency.

27 (b) The representatives from the Montana chiefs of police association and the Montana sheriffs and
28 peace officers association must be sworn officers of a participating agency.

29 (c) The department of justice member may not be an employee of the department involved in criminal
30 intelligence or criminal investigation work.

1 (d) Members of the advisory council serve at the pleasure of the attorney general.

2 (e) The department shall provide staff and support services for the advisory council."

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4 **Section 2.** Section 44-5-503, MCA, is amended to read:

5 **"44-5-503. Duties of section.** The section may not initiate criminal investigations to gather criminal
6 intelligence information, but subject to standards and procedures provided by this part and to other limitations
7 imposed by law, the section shall:

8 (1) establish and maintain liaison with participating law enforcement agencies to foster a meaningful
9 exchange of criminal intelligence information;

10 (2) develop and maintain a system for collecting, reviewing, storing, referencing, indexing, and
11 disseminating criminal intelligence information;

12 (3) receive and collect information from ~~participating law enforcement agencies~~ lawful sources;

13 (4) develop an analytical capability to provide useful strategic and tactical intelligence reports;

14 (5) maintain the integrity and security of all information collected by the section; and

15 (6) develop methods of evaluating the effectiveness of the section in accomplishing its goals and in
16 safeguarding the privacy of all individuals about whom the section has information."

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18 **Section 3.** Section 44-5-506, MCA, is amended to read:

19 **"44-5-506. Participating Eligible and participating agencies.** (1) Agencies eligible for participation
20 in the section are:

21 (a) municipal police departments;

22 (b) sheriff's offices; ~~and~~

23 (c) sections of the department of justice engaged in criminal investigation; and

24 (d) any other criminal justice agency.

25 (2) ~~(a) A participant in the section must be an~~ (a) An eligible agency may apply to be a participating agency
26 and have one or more agency members granted access to the criminal justice information maintained by the
27 section.

28 (b) An agency that has been authorized by the attorney general to receive criminal intelligence
29 information from the section under this part is a participating agency."

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