

Unofficial Draft Copy

As of: September 5, 2012 (1:04pm)

LC1j08

**** Bill No. ****

Introduced By *****

By Request of the Law and Justice Interim Committee

A Bill for an Act entitled: "An Act updating and clarifying statutes related to the criminal intelligence information section and advisory council; and amending sections 44-5-501, 44-5-503, 44-5-506, and 44-5-511, MCA."

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

Section 1. Section 44-5-501, MCA, is amended to read:

"44-5-501. Creation of criminal intelligence information section -- advisory council. (1) The department of justice may create a criminal intelligence information section.

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

(b) The representatives from the Montana chiefs of police

association and the Montana sheriffs and peace officers association must be sworn officers of a participating agency.

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

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

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

{ *Internal References to 44-5-501:*
x44-5-502 x44-5-502 }

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

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

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

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

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

(4) develop an analytical capability to provide useful

strategic and tactical intelligence reports;

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

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

{Internal References to 44-5-503: None.}

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

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

- (a) municipal police departments;
- (b) sheriff's offices; and
- (c) sections of the department of justice engaged in criminal investigation; and
- (d) any other criminal justice agency.

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

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

{Internal References to 44-5-506: None.}

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Section 4. Section 44-5-511, MCA, is amended to read:

"44-5-511. Functions of advisory council. The advisory council shall:

(1) recommend general policies for the operation of the section;

(2) recommend the approval or denial of an application from an eligible agency or a member of the agency for participation in the section;

(3) recommend the suspension of a participant agency or a member of the agency for due cause; and

(4) recommend, if appropriate, the reinstatement of a suspended participant agency or a member of the agency."

{ *Internal References to 44-5-511: None.* }

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