

HOUSE BILL NO. 109

INTRODUCED BY J. MANGAN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE DEPARTMENT OF JUSTICE SHALL DEVELOP A STATEWIDE COMMUNITY EDUCATION CURRICULUM REGARDING RELEASE OF SEXUAL OR VIOLENT OFFENDERS INTO A COMMUNITY; ~~PROVIDING AN APPROPRIATION;~~ ENABLING STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO PUBLISH SEXUAL AND VIOLENT OFFENDER REGISTRATION ON THE INTERNET; AMENDING SECTION 46-23-508, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Sexual or violent offender community education curriculum.** (1) The department of justice shall develop a statewide community education curriculum regarding release of sexual or violent offenders into a community.

(2) The curriculum developed under subsection (1) must contain information:

(a) for communities and neighborhoods regarding the provisions of this part as it relates to sexual or violent offenders, including the rights of residents of a community into which a sexual or violent offender is released and the duties and roles under this part of the department, law enforcement agencies, and the offender; and

(b) for families and children regarding personal safety, including potential warning signs that may help to avoid victimization.

(3) The curriculum developed under this section must be made available to law enforcement agencies, school districts, local governments, and other entities determined by the department of justice to be in a position to educate the public on the subject of the release of a sexual or violent offender into a community. THE CURRICULUM MAY BE DISSEMINATED BY ANY APPROPRIATE MEANS, WRITTEN OR ELECTRONIC, INCLUDING BY THE INTERNET.

~~NEW SECTION. **Section 2. Appropriation.** There is appropriated \$150,000 from the general fund to the department of justice for each of the fiscal years 2002 and 2003 to be used for the purposes of~~



1 ~~[section 1]-~~

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3 **SECTION 2. SECTION 46-23-508, MCA, IS AMENDED TO READ:**

4 **"46-23-508. Dissemination of information.** (1) Information maintained under this part is
5 confidential criminal justice information, as defined in 44-5-103, except that:

6 (a) the name and address of a registered sexual or violent offender are public criminal justice
7 information, as defined in 44-5-103; and

8 (b) a law enforcement agency shall release any offender registration information relevant to the
9 public if the agency determines that a registered offender is a risk to the safety of the community and that
10 disclosure of the registration information may protect the public and, at a minimum:

11 (i) if an offender was given a level 1 designation under 46-23-509, the agency with which the
12 offender is registered shall notify the agency in whose jurisdiction the offense occurred of the registration;

13 (ii) if an offender was given a level 2 designation under 46-23-509, the agency with which the
14 offender is registered may disseminate the offender's name to the public with the notation that the
15 offender is a sexual or violent offender and may notify a victim of the offense and any agency,
16 organization, or group serving persons who have characteristics similar to those of a previous victim of
17 the offender of:

18 (A) the offender's address;

19 (B) the type of victim targeted by the offense;

20 (C) the name, photograph, and physical description of the offender;

21 (D) the offenses for which the offender is required to register under this part; and

22 (E) any conditions imposed by the court upon the offender for the safety of the public; and

23 (iii) if an offender was given a level 3 designation under 46-23-509, the agency shall give the
24 victim and the public notification that includes the information contained in subsection (1)(b)(ii). The
25 agency shall also include the date of the offender's release from confinement or if not confined, the date
26 the offender was sentenced, with a notation that the offender was not confined, and shall include the
27 community in which the offense occurred.

28 (c) Prior to release of information under subsection (1)(b), a law enforcement agency may, in its
29 sole discretion, request an in camera review by a district court of the determination by the law
30 enforcement agency under subsection (1)(b). The court shall review a request under this subsection (1)(c)

1 and shall, as soon as possible, render its opinion so that release of the information is not delayed beyond
2 release of the offender from confinement.

3 (2) The identity of a victim of an offense for which registration is required under this part may not
4 be released by a law enforcement agency without the permission of the victim.

5 (3) A state or local law enforcement agency may use the internet to disseminate the information
6 allowed by this section to the public."

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8 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
9 integral part of Title 46, chapter 23, part 5, and the provisions of Title 46, chapter 23, part 5, apply to
10 [section 1].

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12 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2001.

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