

HOUSE BILL NO. 230

INTRODUCED BY GIBSON, BURNETT, HOLLANDSWORTH, HOLLENBAUGH, MENAHAN, HINER,
 WILMER, TAYLOR, O'HARA, ROBERTS, MCCHESENEY, LEWIS, BRODEHL, COOK, RIPLEY, ZINKE,
 KERNS, MCGILLVRAY, REGIER, C. SMITH, WARBURTON, MACLAREN, BUTTREY, G. BENNETT,
 WALKER, MILBURN, OSMUNDSON, L. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE BOARD OF CRIME CONTROL AND ITS
 FUNCTIONS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF CORRECTIONS;
 REDUCING THE SIZE OF THE BOARD; ~~ELIMINATING CERTAIN STAFF POSITIONS;~~ PROVIDING AN
IMPLEMENTATION PROCEDURE; EXPRESSING LEGISLATIVE INTENT FOR A REDUCED LEVEL OF
FUNDING; ELIMINATING A STAFF POSITION; AMENDING SECTIONS 2-15-2006, 44-2-705, AND 44-4-313,
 MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-2006, MCA, is amended to read:

"2-15-2006. Board of crime control -- composition -- allocation. (1) There is a board of crime control.

(2) The board is allocated to the department of corrections for administrative purposes only as prescribed
 in 2-15-121, EXCEPT THAT THE PROVISIONS OF 2-15-121(1)(B), (2)(A), (2)(B), (2)(C), AND (2)(D) DO NOT APPLY.
~~However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.~~ HOWEVER, THE BOARD
MAY HIRE ITS OWN PERSONNEL, AND 2-15-121(2)(D) DOES NOT APPLY:

(A) DIRECT AND SUPERVISE THE BUDGETING, RECORDKEEPING, REPORTING, AND RELATED ADMINISTRATIVE AND
CLERICAL FUNCTIONS OF THE BOARD;

(B) PREPARE AND PRESENT ITS OWN BUDGETARY REQUESTS TO THE LEGISLATURE AND THE GOVERNOR IN
ACCORDANCE WITH 17-7-111;

(C) COLLECT ALL REVENUE FOR THE BOARD AND DEPOSIT IT IN THE PROPER FUND OR ACCOUNT. THE BOARD MAY
NOT USE OR DIVERT THE REVENUE FROM THE FUND OR ACCOUNT FOR PURPOSES OTHER THAN PROVIDED BY LAW.

(D) PROVIDE STAFF FOR THE BOARD.

(3) The board is composed of ~~48~~ 15 members appointed by the governor in accordance with 2-15-124
 and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The

1 board shall be representative of state and local law enforcement and criminal justice agencies, including agencies
 2 directly related to the prevention and control of juvenile delinquency, units of general local government, and public
 3 agencies maintaining programs to reduce and control crime and shall include representatives of citizens and
 4 professional and community organizations, including organizations directly related to delinquency prevention."
 5

6 **Section 2.** Section 44-2-705, MCA, is amended to read:

7 **"44-2-705. Restriction on use of funds.** Funds deposited in the Montana drug abuse resistance
 8 education trust fund account may be used only for the program authorized in 44-2-702 and may not be used to
 9 pay the expenses of any other program or service administered in whole or in part by the Montana board of crime
 10 control or the department of ~~justice~~ corrections."
 11

12 **Section 3.** Section 44-4-313, MCA, is amended to read:

13 **"44-4-313. Restriction on use of funds.** Funds deposited in the domestic violence intervention account
 14 may be used only for the program authorized in 44-4-311 and the costs authorized under 44-4-312 and may not
 15 be used to pay the expenses of any other program or service administered in whole or in part by the Montana
 16 board of crime control or the department of ~~justice~~ corrections."
 17

18 NEW SECTION. **Section 4. Transition -- implementation procedure.** (1) Except as provided in
 19 subsection (2) and (3), the provisions of sections 2-15-131 through 2-15-137 govern the transfer of the board of
 20 crime control and the board's functions from the department of justice into the department of corrections.

21 (2) The department of corrections shall provide ~~staff and~~ support services to the board of crime control.
 22 ~~It is the intent of the legislature that the department of corrections shall, with existing department staff, assume~~
 23 ~~the duties of the executive director and the bureau chief of the community justice bureau of the board of crime~~
 24 ~~control and that those positions be eliminated. To the extent necessary to implement this subsection (2), the~~
 25 ~~provisions of 2-15-131 relating to the rights of tenure in office and of pay do not apply to the positions of the~~
 26 ~~executive director and the bureau chief of the community justice bureau. IT IS THE INTENT OF THE LEGISLATURE THAT~~
 27 THE BOARD OF CRIME CONTROL SHALL OPERATE WITHIN A LEVEL OF FUNDING THAT IS REDUCED BY THE AMOUNT OF
 28 SALARY AND BENEFITS THAT WAS PAID TO THE FORMER EXECUTIVE DIRECTOR AND THE FORMER BUREAU CHIEF OF THE
 29 COMMUNITY JUSTICE BUREAU OF THE BOARD OF CRIME CONTROL, AND THAT THE POSITION OF BUREAU CHIEF OF THE
 30 COMMUNITY JUSTICE BUREAU OF THE BOARD OF CRIME CONTROL BE PERMANENTLY ELIMINATED. The department BOARD

1 OF CRIME CONTROL may eliminate ~~other~~ OTHER positions as the ~~department~~ BOARD determines to be necessary,
2 subject to the provisions of 2-15-131.

3 (3) The department of corrections shall provide office space for the board of crime control in facilities
4 currently leased by the department of corrections. It is the intent of the legislature that facilities currently leased
5 by the board of crime control be vacated and the leases terminated.

6
7 NEW SECTION. Section 5. Directions to code commissioner. (1) (a) Section 2-15-2006 is intended
8 to be renumbered and codified as an integral part of Title 2, chapter 15, part 23.

9 (b) The code commissioner is instructed to renumber sections currently in Title 44, chapter 4, part 3, into
10 a new chapter in Title 44.

11 (2) The code commissioner is instructed to change internal references within and to the renumbered
12 sections, including sections enacted or amended by the 62nd legislature, to reflect the new section numbers
13 assigned to sections pursuant to this section.

14 (3) Any enactment, including an enactment of the 62nd legislature, that requires that a section be
15 codified in a part of Title 44, chapter 4, part 3, and that is recodified pursuant to this section is codified as an
16 integral part of the recodified part, and the provisions of the newly recodified part apply to the recodified section.

17
18 NEW SECTION. Section 6. Saving clause. [This act] does not affect rights and duties that matured,
19 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

20
21 NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable
22 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
23 remains in effect in all valid applications that are severable from the invalid applications.

24
25 NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2011.

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