



AN ACT ESTABLISHING THE BLUE ALERT PROGRAM WITHIN THE DEPARTMENT OF JUSTICE TO ASSIST IN NOTIFICATION TO PERSONS CONCERNING AND CAPTURE OF PERSONS RESPONSIBLE FOR THE DEATH OR SERIOUS INJURY OF A PEACE OFFICER.

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

Section 1. Blue alert program. (1) There is a state alert system known as the blue alert program within the department of justice.

(2) Upon request by a law enforcement agency, the department may activate the blue alert program if the department determines that:

- (a) a peace officer has been killed or seriously injured in the line of duty;
- (b) an individual suspected to have caused the death or injury is at large;
- (c) a law enforcement agency has determined that the individual referred to in subsection (2)(b) poses a serious threat to the public, other peace officers, or both; and
- (d) sufficient information exists about the individual referred to in subsection (2)(b) or about the death or injury so that the activation of the program would materially assist in the capture of the individual.

(3) Upon activation of the blue alert program, the department shall notify the following entities in the state or area in which the alert is established:

- (a) all law enforcement agencies;
- (b) individuals who, because of their proximity to the geographic area in which the death or injury occurred, may have observed the death or injury or the escape of the individual referred to in subsection (2)(b) or may themselves become a victim of that individual;
- (c) individuals who may have a special relationship to the individual referred to in subsection (2)(b), such as a relative of that individual or a peace officer or other person within the criminal justice system who knows the individual; and
- (d) other persons who the department determines would benefit from the notice.

(4) The department shall terminate the blue alert when it determines that the individual referred to in subsection (2)(b) has been apprehended or when it determines that the blue alert will no longer materially assist in the capture of the individual.

(5) The department shall adopt rules to implement this section.

(6) As used in this section, the following definitions apply:

(a) "Law enforcement agency" has the meaning provided in 44-11-303.

(b) "Peace officer" has the meaning provided in 46-1-202.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 44, chapter 2, and the provisions of Title 44, chapter 2, apply to [section 1].

- END -

I hereby certify that the within bill,
HB 0269, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 269

INTRODUCED BY S. LAVIN, NOONAN, HOLLENBAUGH, O'NEIL, BRODEHL

AN ACT ESTABLISHING THE BLUE ALERT PROGRAM WITHIN THE DEPARTMENT OF JUSTICE TO ASSIST IN NOTIFICATION TO PERSONS CONCERNING AND CAPTURE OF PERSONS RESPONSIBLE FOR THE DEATH OR SERIOUS INJURY OF A PEACE OFFICER.