

SENATE BILL NO. 171
INTRODUCED BY G. PERRY
BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO THE STATE'S TELECOMMUNICATIONS SYSTEM; REVISING PROCEDURES FOR TELECOMMUNICATIONS SYSTEM OPERATION CHARGES; REVISING PROCEDURES RELATING TO THE LIST OF MISSING MONTANA SCHOOL CHILDREN; AND AMENDING SECTIONS 44-2-301, 44-2-303, 44-2-312, 44-2-313, 44-2-316, 44-2-503, 44-2-506, AND 44-5-307, MCA."

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

Section 1. Section 44-2-301, MCA, is amended to read:

"44-2-301. Establishment -- inclusion of other state agencies. The attorney general ~~is hereby authorized to~~ may establish a permanent law enforcement ~~teletypewriter communications~~ telecommunications system for the purpose of connecting federal, state, county, and city law enforcement agencies ~~by teletype~~. He ~~is further authorized to bring into~~ The attorney general may include in the network, ~~should he and they so desire~~ by mutual agreement, any department of Montana state government or its subdivisions outside of law enforcement activities when, in the opinion of the attorney general and the state department or subdivision, ~~such the~~ the inclusion will materially aid the law enforcement agencies of the state of Montana or its subdivisions in the fight against crime."

Section 2. Section 44-2-303, MCA, is amended to read:

"44-2-303. Federal ~~cost-sharing~~ cost-sharing. The attorney general shall contact federal law enforcement agencies or officials relative to federal ~~cost-sharing~~ cost-sharing in the ~~teletypewriter communications~~ telecommunications system, and if ~~such~~ funds are available from federal sources, the attorney general may sign agreements with the federal agencies. ~~Any federal~~ Federal funds received in any biennium for which Montana funds have been appropriated ~~shall~~ must be deposited in the system's account and ~~shall~~ must be used, if at all possible, to reduce the spending of money appropriated from the general fund."

Section 3. Section 44-2-312, MCA, is amended to read:

"44-2-312. Authorization of ~~monthly~~ annual operational charge. The attorney general is hereby authorized to ~~may~~ establish a ~~monthly~~ an annual operational charge for the ~~teletypewriter communications telecommunications~~ network, exclusive of personnel services, and ~~such~~ the charge ~~shall~~ must be prorated among all the various agencies using the system."

Section 4. Section 44-2-313, MCA, is amended to read:

"44-2-313. Payment of charge. ~~Such~~ The charge ~~shall~~ provided for in 44-2-312 must be billed ~~monthly~~ annually to the agencies. Payments made as a result of the billing ~~shall~~ must be remitted to the attorney general and deposited ~~by him~~ in a special account in the state treasury."

Section 5. Section 44-2-316, MCA, is amended to read:

"44-2-316. Assessment for personnel. A special prorated assessment ~~shall~~ must be made against all participating agencies for personnel necessary to assist in the operation of the federal systems at one central location or key point ~~at which there is a federal intertie~~. This assessment ~~shall~~ must be made ~~monthly~~ the same as the operational charge annually. ~~It shall~~ The assessment must be transmitted, deposited, and drawn by warrant as are other warrants as provided in 44-2-312 through 44-2-315, except that the assessment may not be levied against the one central station for which the assessment is made."

Section 6. Section 44-2-503, MCA, is amended to read:

"44-2-503. Missing children information program. (1) The department of justice shall establish a missing children information program to create a central repository to aid in the location of missing children in Montana.

(2) The missing children information program shall:

(a) establish a system of intrastate communication of information relating to any child determined to be missing by the parent, guardian, or legal custodian of the child or by a law enforcement authority;

(b) provide a centralized file for the exchange of information on missing children within the state, including information obtained under the provisions of 44-2-401;

(c) interface with the national crime information center computer system for exchange of information on children suspected of interstate travel; and

~~(d) provide the superintendent of public instruction each month with a list of missing Montana school children for the purposes of 44-2-506~~

(d) create a publicly available website that posts a current list of missing Montana school children."

Section 7. Section 44-2-506, MCA, is amended to read:

"44-2-506. List of missing Montana school children. (1) The superintendent of public instruction shall assist the missing children information program provided for in 44-2-503 in identifying and locating missing children who are enrolled in Montana public school districts in kindergarten through grade 12 by:

~~—— (a) collecting each month a list of missing Montana school children as provided by the missing children information program provided for in 44-2-503;~~

~~—— (b) distributing the list of missing school children on a monthly basis, unless the list has no change from the previous month's information, to all school districts admitting children to kindergarten through grade 12;~~

~~—— (c) designing the list to include pertinent available information for identification of the missing school child, including if possible a recent photograph of the child; and~~

~~—— (d) notifying the appropriate law enforcement agency and the missing children information program as soon as any additional information is obtained or contact is made with respect to a missing school child notifying monthly all school districts admitting children to kindergarten through grade 12 of the availability and location of the website provided for in 44-2-503.~~

(2) Each school district in Montana shall:

(a) ~~distribute to~~ notify personnel in each school building within the district of the list availability and location of the website listing of missing school children provided for in ~~subsection (1)~~ 44-2-503; and

(b) notify the appropriate law enforcement agency at the earliest known contact with any child whose name appears on the list of missing school children."

Section 8. Section 44-5-307, MCA, is amended to read:

"44-5-307. Use of criminal history record information account -- staffing -- funding. (1) The department of justice may establish fees for the dissemination of criminal history record information. Revenue from the fees must be deposited in the account provided for in 44-5-306.

(2) The money in the account provided for in 44-5-306 must be used by the department of justice to pay for the costs associated with the dissemination of criminal history record information.

(3) The costs associated with the dissemination of criminal history record information include adequate staffing to provide for the dissemination service. The department of justice may add staff or incur operational costs, or both, pursuant to 17-7-402. The authority to add staff or incur operational costs must be based on the

following:

(a) an additional 5,000 fingerprint-based criminal history record information requests, above the number received in 2001, must be received and ~~must involve fingerprint processing~~ processed; or

(b) an additional 7,500 name-based criminal history record information requests, above the number received in 2001, must be received and ~~must involve screening~~ processed."

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