

HOUSE BILL NO. 139

INTRODUCED BY S. LAVIN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING THE LAW ENFORCEMENT COMMUNICATIONS SYSTEM; CLARIFYING TERMS; REVISING BILLING PROCEDURES; REVISING TERMS FOR NONPAYMENT; AMENDING SECTIONS 44-2-301, 44-2-302, 44-2-303, 44-2-304, 44-2-311, 44-2-312, 44-2-313, 44-2-314, AND 44-2-315, MCA; AND REPEALING SECTION 44-2-316, 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 authorized to establish a ~~permanent law enforcement communications system~~ criminal justice information network for the purpose of connecting federal, state, county, and city law enforcement agencies. The attorney general may bring into the network, if the parties desire, 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, 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 44-2-302, MCA, is amended to read:

"44-2-302. Powers of attorney general. ~~To carry out the provisions of this part~~ In order to operate the criminal justice information network, the attorney general, within the framework of any funds budgeted or collected from participating agencies, is authorized to:

- (1) purchase, lease, or otherwise acquire necessary facilities and equipment ~~necessary to accomplish the purposes of this part;~~ and
- (2) employ ~~such~~ personnel as may be necessary to operate ~~such facilities within the framework of any funds budgeted or prorated on a charge basis against participating agencies as herein identified~~ the network."

Section 3. Section 44-2-303, MCA, is amended to read:



1 **"44-2-303. Federal cost sharing.** The attorney general shall contact federal law enforcement agencies
 2 or officials ~~relative to federal~~ regarding cost sharing in the ~~teletypewriter communications system~~ criminal justice
 3 information network; ~~and if such~~ If federal funds are available ~~from federal sources~~, the attorney general may
 4 ~~sign~~ enter into cost-sharing agreements with the federal agencies. ~~Any~~ If federal funds are received in any a
 5 biennium for which Montana funds have been appropriated, the funds must ~~shall~~ be deposited in the ~~system's~~
 6 network's account and ~~shall~~ must be used, if ~~at all~~ possible, to reduce the spending of money appropriated from
 7 the general fund."

8

9 **Section 4.** Section 44-2-304, MCA, is amended to read:

10 **"44-2-304. Report by attorney general.** The attorney general shall submit, as a part of the information
 11 required by 17-7-111, a detailed report ~~in detail~~ covering the operations of the ~~communications~~ criminal justice
 12 information network, the accounting of all money received and expended, and the need to expand or improve the
 13 ~~system~~ network."

14

15 **Section 5.** Section 44-2-311, MCA, is amended to read:

16 **"44-2-311. Participation by local and other agencies.** Any county, city, or other law enforcement
 17 agency may, with the approval of the attorney general, connect to the ~~system~~ criminal justice information network
 18 and participate in it upon payment of or agreement to pay ~~these~~ the costs established by the department of
 19 justice."

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21 **Section 6.** Section 44-2-312, MCA, is amended to read:

22 **"44-2-312. Authorization of monthly operational charge.** The attorney general is ~~hereby~~ authorized
 23 ~~to may~~ establish ~~a monthly~~ an operational charge for the ~~teletypewriter communications~~ criminal justice
 24 information network, exclusive of personnel services; ~~and such~~ The charge ~~shall~~ must be prorated among ~~all~~
 25 various agencies using the ~~system~~ network."

26

27 **Section 7.** Section 44-2-313, MCA, is amended to read:

28 **"44-2-313. Payment of charge.** ~~The~~ With the exception of federal agencies that require quarterly billing,
 29 the charge authorized in 44-2-312 must be billed ~~monthly~~ annually to the agencies. Payments made as a result
 30 of the billing must be remitted to the attorney general and deposited in a special revenue account in the state

1 treasury."

2

3 **Section 8.** Section 44-2-314, MCA, is amended to read:

4 **"44-2-314. Use of money -- records.** The state treasurer ~~is authorized to~~ may draw warrants on this
5 the account provided for in 44-2-313 upon request of the attorney general when money is needed to pay any of
6 the costs of keeping the ~~system-operative~~ criminal justice information network operational. A strict accounting
7 must be kept of all receipts and disbursements and must be available as a matter of record to members of the
8 appropriations committee of the house of representatives ~~as they may require in the performance of their duties.~~"

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10 **Section 9.** Section 44-2-315, MCA, is amended to read:

11 **"44-2-315. Removal from network upon nonpayment.** Law enforcement agencies, other than the state
12 of Montana or any of its subdivisions, that become ~~90~~ 120 days delinquent in payment of any fees approved and
13 assessed ~~hereunder shall~~ must be notified that they will be removed from the criminal justice information network,
14 and the department of justice shall take the necessary steps to carry out this provision."

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16 NEW SECTION. **Section 10. Repealer.** The following section of the Montana Code Annotated is
17 repealed:

18 44-2-316. Assessment for personnel.

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