

HOUSE BILL NO. 198

INTRODUCED BY N. DURAM, F. GARNER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF JUSTICE TO ACTIVATE AND DEACTIVATE THE BLUE ALERT PROGRAM WHEN A PEACE OFFICER IS MISSING OR WHEN A CREDIBLE THREAT TO LAW ENFORCEMENT OFFICERS EXISTS; AND AMENDING SECTION 44-2-801, MCA."

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

Section 1. Section 44-2-801, MCA, is amended to read:

"44-2-801. 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) (i) a peace officer has been killed or seriously injured in the line of duty;

~~(b)~~(ii) an individual suspected to have caused the death or injury is at large;

~~(c)~~(iii) a law enforcement agency has determined that the individual referred to in subsection ~~(2)(b)~~ (2)(a)(ii) poses a serious threat to the public, other peace officers, or both; and

~~(d)~~(iv) sufficient information exists about the individual referred to in subsection ~~(2)(b)~~ (2)(a)(ii) or about the death or injury so that the activation of the program would materially assist in the capture of the individual;

(b) a peace officer is missing in connection with official duties; or

(c) an imminent and credible threat exists that an individual intends to cause serious injury or death of a peace officer.

(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)~~ (2)(a)(ii) 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)~~

- 1 (2)(a)(ii), such as a relative of that individual or a peace officer or other person within the criminal justice system
2 who knows the individual; and
3 (d) other persons who the department determines would benefit from the notice.
4 (4) The department shall terminate the blue alert when it determines:
5 (a) that the individual referred to in subsection ~~(2)(b)~~ (2)(a)(ii) has been apprehended or when it
6 determines that the blue alert will no longer materially assist in the capture of the individual;
7 (b) the peace officer referred to in subsection (2)(b) is no longer missing or it determines that the blue
8 alert will no longer assist in locating the peace officer; or
9 (c) the threat referred to in subsection (2)(c) no longer exists or it determines that the blue alert will no
10 longer materially assist in alleviating the threat.
11 (5) The department shall adopt rules to implement this section.
12 (6) As used in this section, the following definitions apply:
13 (a) "Law enforcement agency" has the meaning provided in 44-11-303.
14 (b) "Peace officer" has the meaning provided in 46-1-202."

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