

SENATE BILL NO. 312

INTRODUCED BY J. SMALL, F. THOMAS

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE LOOPING IN NATIVE COMMUNITIES NETWORK
5 GRANT PROGRAM; CREATING THE MISSING INDIGENOUS PERSONS TASK FORCE; PROVIDING A
6 COMPETITIVE GRANT FOR A TRIBAL COLLEGE TO DEVELOP AND MAINTAIN THE CENTRAL LOCATION
7 FOR COLLECTING, STORING, AND SECURING NETWORK DATA; PROVIDING GRANT FUNDS TO TRIBAL
8 AGENCIES TO ESTABLISH ACCESS TO THE LOOPING IN NATIVE COMMUNITIES NETWORK; REQUIRING
9 ~~THE BOARD OF CRIME CONTROL~~ MISSING INDIGENOUS PERSONS TASK FORCE TO ADMINISTER THE
10 GRANT PROGRAM ~~AND PROVIDE TECHNICAL ASSISTANCE TO ESTABLISH AND MAINTAIN THE~~
11 ~~NETWORK~~; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

12
13 WHEREAS, MONTANA IS HOME TO EIGHT RECOGNIZED TRIBES WITH OVER 55,000 ENROLLED MEMBERS; AND
14 WHEREAS, NATIVE WOMEN AND CHILDREN EXPERIENCE VIOLENT CRIME AT SIGNIFICANTLY HIGHER RATES THAN
15 OTHER AMERICAN WOMEN AND CHILDREN, INCLUDING BEING 10 TIMES MORE LIKELY TO BE MURDERED AND 9 TIMES MORE
16 LIKELY TO BE SEXUALLY ASSAULTED; AND

17 WHEREAS, THERE ARE MORE THAN 5,600 NATIVE WOMEN AND CHILDREN IN THE UNITED STATES WHO ARE
18 CURRENTLY LISTED AS MISSING OR ABDUCTED; AND

19 WHEREAS, THERE IS NO COMPREHENSIVE DATA COLLECTION SYSTEM FOR REPORTING OR TRACKING MISSING
20 NATIVE AMERICAN WOMEN AND CHILDREN, CREATING A REPORTING AND INVESTIGATION GAP THAT MAKES NATIVE
21 AMERICANS EVEN MORE VULNERABLE TO VIOLENCE; AND

22 WHEREAS, 85% OF THE NATIVE WOMEN AND CHILDREN WHO WENT MISSING BETWEEN 1900 AND 2017 WERE
23 NOT LISTED IN THE DEPARTMENT OF JUSTICE'S OFFICIAL DATABASE; AND

24 WHEREAS, IN 2018, AT LEAST 25 NATIVE WOMEN AND CHILDREN WENT MISSING IN MONTANA, AND ONLY 1 WAS
25 FOUND ALIVE; AND

26 WHEREAS, THE LIKELIHOOD OF FINDING A MISSING PERSON DECREASES RAPIDLY AFTER THE FIRST 24 HOURS
27 AND FALLS TO LESS THAN 4% AFTER 72 HOURS; AND

28 WHEREAS, FAMILIES OF MISSING NATIVE WOMEN AND CHILDREN OFTEN ENCOUNTER LAYERS OF
29 JURISDICTIONAL BUREAUCRACY THAT DELAY OR PREVENT THE FILING OF OFFICIAL REPORTS FOR DAYS OR WEEKS; AND

30 WHEREAS, A LACK OF TIMELY ACTION BY LAW ENFORCEMENT FORCES FAMILIES TO USE SOCIAL MEDIA AND

1 COMMUNITY GROUPS TO BEGIN LOOKING FOR MISSING NATIVE WOMEN AND CHILDREN; AND

2 WHEREAS, MONTANA'S U.S. SENATORS AND REPRESENTATIVE ARE LEADING THE CHARGE TO COMBAT THIS

3 BUREAUCRATIC INACTION, BUT ARE ENCOUNTERING RESISTANCE FROM THE GOVERNMENT AGENCIES WHO HANDLE TRIBAL

4 AND FEDERAL LAW ENFORCEMENT; AND

5 WHEREAS, IN THE ABSENCE OF A FEDERAL SOLUTION THE LEGISLATURE OF THE STATE OF MONTANA SHOULD

6 TAKE STEPS TO IDENTIFY AND TRACK NATIVE MEN, WOMEN, AND CHILDREN WHO ARE CURRENTLY MISSING, ESTABLISH A

7 TASK FORCE TO BREAK DOWN JURISDICTIONAL BARRIERS, AND PROVIDE MONTANA'S NATIVE COMMUNITIES WITH THE

8 ABILITY TO FILE MISSING PERSONS REPORTS IN A TIMELY MANNER.

9

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

11 (Refer to Introduced Bill)

12 Strike everything after the enacting clause and insert:

13

14 NEW SECTION. Section 1. Missing indigenous persons task force -- membership -- duties. (1)

15 There is a missing indigenous persons task force. The task force is allocated to the board of crime control for
16 staffing services and administrative purposes only.

17 (2) Task force members must be appointed by the board of crime control. The task force membership
18 must include, but is not limited to:

19 (a) a member of the board of crime control, who is the presiding officer of the task force;

20 (b) a representative from each tribal government located on the seven Montana reservations and the
21 Little Shell Chippewa tribe;

22 (c) a member from the Montana highway patrol; and

23 (d) a representative from the attorney general's office.

24 (3) While respecting the government-to-government relationship between the state and each tribe, the
25 primary duties of the task force are to:

26 (a) administer the looping in native communities network grant program provided for in [section 2]; and

27 (b) (i) identify jurisdictional barriers between federal, state, local, and tribal law enforcement and
28 community agencies; and

29 (ii) work to identify strategies to improve interagency communication, cooperation, and collaboration to
30 remove jurisdictional barriers and increase reporting and investigation of missing indigenous persons.

1 (4) (a) The task force members must be appointed within 60 days after [the effective date of this act].
2 A vacancy on the task force must be filled in the manner of the original appointment.

3 (b) The task force shall develop and finalize the looping in native communities network grant application
4 and award criteria and deliver the application and criteria to the board of crime control no later than October 15,
5 2019.

6 (c) The task force shall select the recipient of the looping in native communities network competitive
7 grant under [section 2(2)] and disburse the grant funds no later than March 15, 2020.

8 (d) The task force must select eligible grantees and disburse funds for any grants awarded pursuant to
9 [section 2(3)] by June 30, 2020.

10 (e) The task force shall convene at least one meeting with tribal and local law enforcement agencies,
11 federally recognized tribes, and urban Indian organizations for the purposes of subsection (3)(b) and to determine
12 the scope of the problem of missing indigenous women and children.

13 (f) The task force shall prepare a written report of findings and recommendations for submission to the
14 state-tribal relations interim committee provided for in 5-5-229, no later than September 1, 2020. The report must
15 include a recommendation to the 67th legislature as to whether the task force should continue in existence.

16
17 **NEW SECTION. Section 2. Looping in native communities network grant program.** (1) There is
18 a looping in native communities network grant program. The program is established to create a network in support
19 of efforts by Montana tribes to identify, report, and find Native American persons who are missing. The grant
20 program is administered by the missing indigenous persons task force established in [section 1].

21 (2) The grant program includes a competitive grant to be awarded to one tribal college to create and
22 administer a central administration point for the looping in native communities network. The missing indigenous
23 persons task force shall develop the application and the criteria to award the grant to a tribal college. The criteria
24 must include:

25 (a) policies and standards for technology and equipment, including data storage and security of
26 information entered into the network;

27 (b) standards for data verification;

28 (c) job qualifications and requirements for a data specialist to administer the network;

29 (d) development of a system to provide automatic initial alerts pursuant to law enforcement, tribal, and
30 community organizations when a missing indigenous person report is made, including determining which law

1 enforcement agencies will receive the automatic initial alert;

2 (e) development of a standard reporting form that includes space to provide the information specified
3 in subsection (4) to be used by the data specialist; and

4 (f) administrative rights for a designee at each participating tribal agency.

5 (3) The grant program may include additional smaller, noncompetitive grants to be awarded to a
6 qualifying tribal agency at each reservation that submits a complete application. The purpose of the grants
7 awarded under this subsection is to provide reimbursement for some or all of the costs required for the tribal
8 agency to set up and maintain access to the looping in native communities network.

9 (4) The standard reporting form required under subsection (2)(e) must allow a data specialist to enter
10 information about the missing indigenous person, including but not limited to the missing person's:

11 (a) name and any aliases or nicknames;

12 (b) gender, age, height, weight, and other physical descriptive characteristics;

13 (c) last known location and related information, including the date of last contact with the missing
14 indigenous person and the person with whom the missing indigenous person last made contact; and

15 (d) photographs, including photographs obtained from an online or social media profile.
16

17 NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send a
18 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
19 Chippewa tribe.

20
21 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.
22

23 NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2021.
24

- END -