

SENATE BILL NO. 312

INTRODUCED BY J. SMALL, F. THOMAS

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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~~; PROVIDING A TRANSFER OF FUNDS AND AN APPROPRIATION; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

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

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

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

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

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

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

1 WHEREAS, A LACK OF TIMELY ACTION BY LAW ENFORCEMENT FORCES FAMILIES TO USE SOCIAL MEDIA AND
2 COMMUNITY GROUPS TO BEGIN LOOKING FOR MISSING NATIVE WOMEN AND CHILDREN; AND

3 WHEREAS, MONTANA'S U.S. SENATORS AND REPRESENTATIVE ARE LEADING THE CHARGE TO COMBAT THIS
4 BUREAUCRATIC INACTION, BUT ARE ENCOUNTERING RESISTANCE FROM THE GOVERNMENT AGENCIES WHO HANDLE TRIBAL
5 AND FEDERAL LAW ENFORCEMENT; AND

6 WHEREAS, IN THE ABSENCE OF A FEDERAL SOLUTION THE LEGISLATURE OF THE STATE OF MONTANA SHOULD
7 TAKE STEPS TO IDENTIFY AND TRACK NATIVE MEN, WOMEN, AND CHILDREN WHO ARE CURRENTLY MISSING, ESTABLISH A
8 TASK FORCE TO BREAK DOWN JURISDICTIONAL BARRIERS, AND PROVIDE MONTANA'S NATIVE COMMUNITIES WITH THE
9 ABILITY TO FILE MISSING PERSONS REPORTS IN A TIMELY MANNER.

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

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(Refer to Introduced Bill)

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Strike everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

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

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

30 (ii) work to identify strategies to improve interagency communication, cooperation, and collaboration to

1 remove jurisdictional barriers and increase reporting and investigation of missing indigenous persons.

2 (4) (a) The task force members must be appointed within 60 days after [the effective date of this act].

3 A vacancy on the task force must be filled in the manner of the original appointment.

4 (b) The task force shall develop and finalize the looping in native communities network grant application
5 and award criteria and deliver the application and criteria to the board of crime control no later than October 15,
6 2019.

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

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

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

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

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

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

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

28 (b) standards for data verification;

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

30 (d) development of a system to provide automatic initial alerts pursuant to law enforcement, tribal, and

1 community organizations when a missing indigenous person report is made, including determining which law
2 enforcement agencies will receive the automatic initial alert;

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

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

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

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

12 (a) name and any aliases or nicknames;

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

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

16 (d) photographs, including photographs obtained from an online or social media profile.
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18 **NEW SECTION. SECTION 3. LOOPING IN NATIVE COMMUNITIES NETWORK STATE SPECIAL REVENUE ACCOUNT.**

19 THERE IS A LOOPING IN NATIVE COMMUNITIES NETWORK ACCOUNT WITHIN THE STATE SPECIAL REVENUE FUND
20 ESTABLISHED IN 17-2-102. THE PURPOSE OF THE ACCOUNT IS TO PROVIDE MATCHING FUNDS TO TRIBAL AGENCIES TO
21 IMPLEMENT THE LOOPING IN NATIVE COMMUNITIES NETWORK. THE ACCOUNT IS ADMINISTERED BY THE BOARD OF CRIME
22 CONTROL.
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24 **NEW SECTION. SECTION 4. TRANSFER OF FUNDS.** BY JULY 15, 2019, THE STATE TREASURER SHALL
25 TRANSFER \$25,000 FROM THE STATE GENERAL FUND TO THE LOOPING IN NATIVE COMMUNITIES NETWORK STATE SPECIAL
26 REVENUE ACCOUNT ESTABLISHED IN [SECTION 3].
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28 **NEW SECTION. SECTION 5. APPROPRIATION.** THERE IS APPROPRIATED \$25,000 FROM THE LOOPING IN
29 NATIVE COMMUNITIES NETWORK STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN [SECTION 3] TO THE MISSING
30 INDIGENOUS PERSONS TASK FORCE ESTABLISHED IN [SECTION 1] FOR THE BIENNIUM BEGINNING JULY 1, 2019, FOR THE

1 PURPOSES OF PROVIDING MATCHING FUNDS TO TRIBAL AGENCIES TO IMPLEMENT THE LOOPING IN NATIVE COMMUNITIES
2 NETWORK GRANT PROGRAM ESTABLISHED IN [SECTION 2]. ANY FUNDS THAT ARE UNENCUMBERED BY JUNE 30, 2021,
3 MUST REVERT TO THE GENERAL FUND.

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5 NEW SECTION. Section 6. Notification to tribal governments. The secretary of state shall send a
6 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
7 Chippewa tribe.

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9 NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

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11 NEW SECTION. Section 8. Termination. [This act] terminates June 30, 2021.

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