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SENATE BILL NO. 160

INTRODUCED BY B. MOLNAR, J. WINDY BOY, K. REGIER, J. SMALL, L. DEMING

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DRUG OR HUMAN TRAFFICKING; PROVIDING A REWARD FOR INFORMATION LEADING TO THE CONVICTION OF DRUG OR HUMAN TRAFFICKERS; REQUIRING A SIGN PROCLAIMING A REWARD AT ALL PORTS OF ENTRY, AIRPORTS, RAILWAY STATIONS, AND BUS STATIONS; ~~EXEMPTING THE REWARD FROM TAXATION;~~ AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Montana's law enforcement of all types is spread thin over 147,000 square miles; and

WHEREAS, like all states and territories, Montana is experiencing a "Meth, FENTANYL, AND HEROIN Epidemic"; and

WHEREAS, all illegal drugs are a scourge on Montana; and

WHEREAS, Montana recently settled several lawsuits against pharmaceutical companies involving opiate deaths, injuries, and damages; and

WHEREAS, Montana received significant sums of money as part of the settlement of these lawsuits; and

WHEREAS, these funds should be spent on combatting the problems caused by illegal drugs, drug smuggling, and human trafficking in Montana; and

WHEREAS, human trafficking destroys all that come into contact with it; and

WHEREAS, drug smugglers and human traffickers rely on a culture of trust between coperpetrators; and

WHEREAS, the easiest way to make drug smugglers and human traffickers stop doing business in Montana is to destroy their culture of trust.

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

NEW SECTION. **Section 1. Trafficking of illegal drugs -- human trafficking -- reward -- creation**

Amendment - 1st Reading-white - Requested by: John Esp - (S) Finance and Claims

68th Legislature

Drafter: Rachel Weiss, 406-444-5367

SB0160.002.003

1 **of sign.** (1) (a) A person, not including peace officers, prosecutors, or judicial officers, who furnishes
2 ACTIONABLE information to a law enforcement officer leading to a conviction for any of the following must be paid
3 a reward of \$50,000:

4 (i) an offense under Title 45, chapter 9, part 1;

5 (ii) a felony related to the illegal trafficking or distribution of a Schedule I drug under 50-32-222,
6 except marijuana, or a Schedule II drug under 50-32-224 with a street value of at least \$10,000 as determined
7 by the prosecutor; or

8 (iii) a felony related to human trafficking as defined in 45-5-701.

9 (b) The department of justice shall develop a secure system for receiving and verifying tips to law
10 enforcement.

11 (2) The department of transportation shall create a sign proclaiming the \$50,000 reward as
12 provided in subsection (1):

13 (a) that is the same standard size as the "Welcome to Montana" signs posted at all ports of entry
14 into the state; and

15 (b) in a size-appropriate manner, with permission, in airports as defined in 67-1-101, railway
16 stations or terminals, and bus stations or terminals.

17 (3) The reward is not exempt from garnishment, restitution, attorney fees, and state taxation.

18 (4) (A) The identity of an informant is not required if:

19 (a)(I) disclosure would result in substantial risk to the informant or the informant's family; or

20 (b)(II) maintaining informant confidentiality prevents a successful prosecution and the informant may
21 not receive an award.

22 (B) TACTICS USED BY LAW ENFORCEMENT DURING AN INVESTIGATION OF AN INFORMANT'S TIP MUST

23 MAXIMIZE THE PROTECTION OF AN INFORMANT'S IDENTITY.

24 (5) If more than one family member or partner as defined in 45-5-206(2) gives information leading
25 to a conviction, only one reward may be given.

26 (6) Except as provided in subsection (5), if more than one person gives information leading to a
27 conviction and the total reward for one conviction exceeds \$100,000, the prosecutor shall decide how to divide
28 the reward on an equitable basis.

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2 ~~NEW SECTION. Section 2. Reward proceeds for information leading to conviction for drug or~~
3 ~~human trafficking. All payments made under [section 1] are exempt from state taxation under this chapter.~~

4

5 NEW SECTION. Section 2. Codification instruction. ~~(1)~~ [Section 1] is intended to be codified as an
6 integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [section 1].

7 ~~(2) — [Section 2] is intended to be codified as an integral part of Title 15, chapter 30, part 21, and the~~
8 ~~provisions of Title 15, chapter 30, part 21, apply to [section 2].~~

9

10 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2023.

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- END -