

1 SENATE BILL NO. 11

2 INTRODUCED BY B. USHER

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL JUSTICE SYSTEM LAWS;
6 CREATING A MONTANA CRIMINAL JUSTICE DATA WAREHOUSE; ESTABLISHING A CRIMINAL JUSTICE
7 COORDINATING COUNCIL AND PROVIDING FOR MEMBERS AND DUTIES; ESTABLISHING DATA
8 PROJECT PRIORITIES FOR THE 2024-2025 INTERIM; ESTABLISHING REPORTING REQUIREMENTS;
9 PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 WHEREAS, the lack of complete, consistent, and integrated criminal justice system data has stymied
12 legislative efforts to allocate financial resources and to enact policy changes that would improve outcomes for
13 offenders and crime victims; and

14 WHEREAS, the seemingly separate pieces of the state and local criminal justice system are
15 intertwined, and the state cannot make effective changes without supporting its local partners; and

16 WHEREAS, the Law and Justice Interim Committee studied criminal justice data needs and gaps as
17 part of an interim study; and

18 WHEREAS, as part of the study, state and local stakeholders and committee members spent hours
19 identifying problems and discussing solutions; and

20 WHEREAS, improved state and local criminal justice system data collection, sharing, and integration
21 will help change the current reactionary nature of the system; and

22 WHEREAS, improved state and local criminal justice system data collection, sharing, and integration
23 can create efficiencies to save money in the future by reducing or eliminating time-consuming and sometimes
24 redundant data entry; and

25 WHEREAS, any savings from efficiencies created from improved state and local criminal justice system
26 data collection, sharing, and integration or from improved policy choices can benefit both state and local
27 stakeholder and taxpayers, regardless of where in the system an improvement is made; and

28 WHEREAS, improved state and local criminal justice system data collection, sharing, and integration

1 ultimately drives public safety by informing funding, policy, caseload, and staffing decisions, as well as how
2 policy decisions can affect prison and supervision populations and recidivism.

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

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6 **NEW SECTION. Section 1. Definitions.** As used in [sections 1 through 3], unless the context clearly
7 indicates otherwise, the following definitions apply:

8 (1) "Agency" has the meaning provided in 2-15-102.

9 (2) "Board" means the board of crime control established in 2-15-2008.

10 (3) "Contributing entity" means an agency, the office of court administrator, a local government
11 entity, a nongovernment entity, a tribal government, or a federal government that submits data to the criminal
12 justice data warehouse.

13 (4) "Council" means the criminal justice coordinating council established in [section 3].

14 (5) "Detention center" has the meaning provided in 7-32-2241.

15 (6) "Local government entity" includes a city, county, or consolidated city-county government entity
16 including but not limited to a county attorney office, law enforcement agency, detention center, court, or other
17 entity created by the city, county, or consolidated city-county government.

18 (7) "Nongovernment entity" includes a community corrections facility or program established under
19 Title 53, chapter 30, part 3, or other prereleases, treatment centers, or providers that contract with the
20 department of corrections.

21

22 **NEW SECTION. Section 2. Criminal justice data warehouse.** (1) There is a criminal justice data
23 warehouse housed in the board of crime control. The purpose of the criminal justice data warehouse is to
24 receive, store, secure, and maintain data and information from contributing entities to assist state and local
25 officials to make data-informed decisions about the criminal justice system.

26 (2) (a) An agency and the court administrator shall contribute data and information to the criminal
27 justice data warehouse on request by the council. A local government entity, a nongovernment entity, a tribal
28 government, or a federal government entity may submit data and information to the criminal justice data

1 warehouse.

2 (b) A contributing entity retains ownership of the data it contributes to the criminal justice data
3 warehouse.

4 (3) As the administering agency of the criminal justice data warehouse, the board shall:

5 (a) adopt a memorandum of understanding with the department of administration for the provision
6 of any technical assistance or services required to establish and maintain the criminal justice data warehouse;

7 (b) work in conjunction with the council to assure the confidentiality of all records and data
8 collected in the criminal justice data warehouse and to assure compliance with the applicable state and federal
9 laws governing the privacy of records, data, and personally identifiable information;

10 (c) collaborate with the council to manage the criminal justice data warehouse;

11 (d) (i) identify and seek federal grant money that may be used for the purposes of establishing and
12 maintaining the criminal justice data warehouse and achieving priorities established in law for the council;

13 (ii) prioritize distribution of funds received pursuant to subsection (3)(d)(i) to contributing entities;
14 and

15 (e) adopt a memorandum of understanding with each contributing entity. The memorandum of
16 understanding must describe the data and information being submitted and the schedule on which the data will
17 be submitted and identify the confidentiality of the information and any conditions or restrictions on the use of
18 the data or information.

19 (4) The board, in coordination with the council, may:

20 (a) require an entity that contributes data or information to deliver the data or information in a
21 certain format and on schedules established for the criminal justice data warehouse;

22 (b) collaborate with the council and contributing entities to establish policies to address the
23 creation of reports generated through the query of records and data in the criminal justice data warehouse. A
24 nongovernment entity may only collaborate with respect to the data or information contributed by that
25 nongovernment entity; and

26 (c) adopt a standard memorandum of understanding that state and local criminal justice entities
27 and the courts may use to govern data-sharing agreements.

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1 **NEW SECTION. Section 3. Criminal justice coordinating council – membership – duties.** (1)

2 There is a criminal justice coordinating council. The board shall provide staff assistance to the council.

3 (2) The council consists of 21 members as follows:

4 (a) two members of the house of representatives, one selected by the speaker of the house and
5 one selected by the house minority leader;

6 (b) two members of the senate, one selected by the president of the senate and one selected by
7 the senate minority leader;

8 (c) the following individuals selected by the chief justice of the Montana supreme court:

9 (i) one district court judge;

10 (ii) one district court clerk or a representative of the district court clerks;

11 (iii) one magistrate or a representative of the magistrates;

12 (iv) a city court judge or a representative of the city court judges; and

13 (v) the court administrator or a representative of the office of court administrator;

14 (d) the attorney general or the attorney general's designee;

15 (e) the director of the department of corrections or the director's designee;

16 (f) the director of the department of public health and human services or the director's designee;

17 (g) the state chief information officer provided for in 2-17-511;

18 (h) the state chief data officer;

19 (i) the following individuals appointed by the governor:

20 (i) one representative of civil rights advocates;

21 (ii) one representative of community corrections providers;

22 (iii) one representative of crime victims;

23 (iv) one member of a federally recognized Indian tribe; and

24 (v) one member who represents the office of state public defender; and

25 (j) the following individuals appointed by the attorney general:

26 (i) one member to represent cities, city attorneys, or city law enforcement agencies; and

27 (ii) one member to represent counties, county attorneys, or county law enforcement agencies.

28 (3) The council shall elect a presiding officer.

1 (4) The duties of the council include:

2 (a) approving requests for a project, report, or data analysis from the criminal justice data
3 warehouse;

4 (b) working in collaboration with the board to establish and manage the criminal justice data
5 warehouse; and

6 (c) completing other projects or analyses imposed by law.

7 (5) Using the process established in legislative rules for executive agency legislative requests, the
8 council may request legislation to enact changes to the criminal justice data warehouse that the council finds
9 necessary.

10 (6) (a) The council may establish an executive committee with duties as directed by the council.
11 The executive committee must be composed of council members.

12 (b) The council may establish a working group to perform studies or duties as directed by the
13 council. If appointed, the working group shall meet regularly and report to the council as the council requires.
14 The working group may include representatives of criminal justice agencies and key constituencies that are not
15 members of the council.

16 (7) The legislature, as well as contributing entities, has priority to request projects, reports, or data
17 analyses to be produced by a person authorized by the council. The council may deny a requested project,
18 report, or data analysis when the council determines the request is unduly burdensome, voluminous, or cost-
19 prohibitive.

20 (8) Council members must be reimbursed for travel expenses as provided in 2-18-501 through 2-
21 18-503. Members of the council who are full-time salaried officers or employees of this state or any political
22 subdivision are entitled to their regular compensation. Legislative members must be compensated as provided
23 in 5-2-302.

24
25 **NEW SECTION. Section 4. Projects for 2023-2024 interim.** (1) In preparation for the 2025
26 legislative session, the board and the criminal justice coordinating council shall prioritize the following projects:

27 (a) create a unique identifier to link data from separate state and local criminal justice agencies
28 and the judicial branch in a manner that is efficient and protects the confidentiality requirements for any

1 personally identifiable information;

2 (b) identify and define the data elements that the board and the criminal justice coordinating
3 council shall collect to achieve the purposes of [sections 1 through 3];

4 (c) identify willing local stakeholders to create pilot projects to deposit existing local criminal justice
5 data in the criminal justice data warehouse, identify technology needs, and document data processes;

6 (d) create a list of the current vendors used by state and local criminal justice agencies and the
7 judicial branch;

8 (e) identify and apply for federal funds that would help the board and the criminal justice
9 coordinating council begin and sustain work on the criminal justice data warehouse;

10 (f) document data processes that are used to deposit data in the criminal justice data warehouse;

11 (g) identify methods to share any state savings that could result from improved data collection and
12 integration with local governments; and

13 (h) identify information from other state agencies, including the department of public health and
14 human services, or from tribal governments or the federal government that could be included in the criminal
15 justice data warehouse or that would be necessary to answer criminal justice research questions posed by the
16 criminal justice coordinating council.

17 (2) The board and the criminal justice coordinating council shall:

18 (a) report to the law and justice interim committee at each regularly scheduled meeting between
19 [the effective date of this act] and September 15, 2024, and to other legislative interim committees or
20 administrative committees as requested; and

21 (b) by September 15, 2024, submit to the law and justice interim committee, legislative finance
22 committee, and the governor's office of budget and program planning a report that includes:

23 (i) a summary of the work of the board and the criminal justice coordinating council to create the
24 criminal justice data warehouse;

25 (ii) recommendations for specific next steps to further implement the criminal justice data
26 warehouse and the associated costs and technology needs to accomplish those steps;

27 (iii) at least 3 examples of data sharing or integration projects the board and the criminal justice
28 coordinating council have completed; and

1 (iv) a list of policy and funding priorities identified for the 2025 legislative session.

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3 **NEW SECTION. Section 5. Transition.** Members of the criminal justice coordinating council must be
4 appointed within 30 days of [the effective date of this act].

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6 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 3] are intended to be
7 codified as an integral part of Title 44, chapter 7, and the provisions of Title 44, chapter 7, apply to [sections 1
8 through 3].

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

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