

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MISSING INDIGENOUS PERSONS REVIEW
6 COMMISSION; AND ESTABLISHING MEMBERS, DUTIES, AND CONFIDENTIALITY REQUIREMENTS;
7 PROVIDING AN APPROPRIATION; PROVIDING AN EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 NEW SECTION. **Section 1. Missing indigenous persons review commission -- confidentiality of**
12 **meetings and records -- criminal liability for unauthorized disclosure -- reporting.** (1) There is a missing
13 indigenous persons review commission in the department of justice.

14 (2) The commission shall:

15 (a) examine the trends and patterns of missing indigenous persons in Montana;

16 (b) educate the public, law enforcement, and policymakers about missing indigenous persons and
17 strategies for investigation and prevention; and

18 (c) recommend policies and practices that may encourage jurisdictional collaboration and
19 coordination and reduce the incidence of missing persons.

20 (3) The members of the commission, not to exceed 18, are appointed by the attorney general from
21 among the following disciplines:

22 (a) representatives from state departments that are involved in issues related to missing indigenous
23 persons;

24 (b) representatives of private organizations that are involved in issues related to missing indigenous
25 persons;

26 (c) representatives from local, state, federal, and tribal law enforcement;

27 (d) representatives of Indian tribes in Montana;

28 (e) other concerned citizens; and

1 (f) a member of the legislature who serves on either the house judiciary committee or the senate
2 judiciary committee.

3 (4) The members shall serve without compensation by the commission but are entitled to be
4 reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503, and members who are full-time
5 salaried officers or employees of this state or of any political subdivision of this state are entitled to their regular
6 compensation. The provisions of 2-15-122 do not apply to the commission.

7 (5) The commission shall review closed missing persons cases selected by the attorney general to
8 provide the commission with the best opportunity to fulfill its duties under this section.

9 (6) Upon written request from the commission, a person who possesses information or records that
10 are necessary and relevant to a missing persons case review shall, as soon as practicable, provide the
11 commission with the information and records. A person who provides information or records upon request of
12 the commission is not criminally or civilly liable for providing information or records in compliance with this
13 section.

14 (7) The meetings and proceedings of the commission are confidential and are exempt from the
15 provisions of Title 2, chapter 3.

16 (8) The records of the commission are confidential information as defined in 2-6-1002 and are
17 protected from disclosure. The records are not subject to subpoena, discovery, or introduction into evidence in
18 a civil or criminal action unless the records are reviewed by a district court judge and ordered to be provided to
19 the person seeking access. The commission shall disclose conclusions and recommendations upon request but
20 may not disclose information, records, or data that are otherwise confidential. The commission may not use the
21 information, records, or data for purposes other than those designated by subsections (2)(a) and (2)(c).

22 (9) The commission may require any person appearing before it to sign a confidentiality agreement
23 created by the commission in order to maintain the confidentiality of the proceedings. In addition, the
24 commission may enter into agreements with nonprofit organizations and private agencies to obtain otherwise
25 confidential information.

26 (10) A member of the commission who knowingly uses information obtained pursuant to subsection (6)
27 for a purpose not authorized in subsection (2) or who discloses information in violation of subsection (8) is
28 subject to a civil penalty of not more than \$500.

1 (11) The commission shall report its findings and recommendations in writing to the law and justice
2 interim committee, the state-tribal relations committee, the attorney general, and the governor prior to each
3 regular legislative session. The report must be made available to the public through the office of the attorney
4 general. The commission may issue data or other information periodically, in addition to the biennial report.

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6 NEW SECTION. Section 2. {standard} Notification to tribal governments. The secretary of state
7 shall send a copy of [this act] to each federally recognized tribal government in Montana.

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9 NEW SECTION. Section 3. Appropriation. For the biennium beginning July 1, 2021, there is
10 appropriated \$85,000 from the state general fund to the department of justice for operation of the missing
11 indigenous persons review commission established in [section 1].

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13 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
14 integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section 1].

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16 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2021.

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