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**** BILL NO. ****

INTRODUCED BY ****

HJ31-4

BY REQUEST OF THE ****

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

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

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

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

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

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

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

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

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) "Contributing entity" means an agency, the office of court administrator, local government entity, or
10 nongovernmental entity that submits data to the criminal justice data warehouse.

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

12 (4) "Detention center administrator" has the meaning provided in 7-32-2241.

13 (5) "Nongovernmental entity" includes a community corrections facility or program established under
14 Title 53, chapter 30, part 2, or other prereleases, treatment centers, or other providers that contract with the
15 department of corrections.

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17 **NEW SECTION. Section 2. Section 1. Criminal justice data warehouse.** (1) There is a criminal
18 justice data warehouse housed in the [AGENCY]. The purpose of the criminal justice data warehouse is to
19 receive, store, secure, and maintain data and information from contributing entities to assist state and local
20 officials to make data-informed decisions about the criminal justice system.

21 (2) An agency and the court administrator [SHALL/MAY] contribute data and information to the criminal
22 justice data warehouse. A local law enforcement agency, detention center administrator, or county attorney's
23 office [SHALL/MAY] contribute data and information to the criminal justice data warehouse. A nongovernmental
24 entity may submit data and information to the criminal justice data warehouse.

25 (3) As the administering agency of the criminal justice data warehouse, the [AGENCY] shall:

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

1 (b) collaborate with the council to manage the criminal justice data warehouse; and

2 (c) adopt a memorandum of understanding with each contributing entity. The memo of understanding
3 must describe the data and information being submitted, the schedule on which the data will be submitted, and
4 identify the confidentiality of the information and any conditions or restrictions on the use of the data or
5 information;

6 (4) The [AGENCY], in coordination with the council, may:

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

9 (b) collaborate with the council and contributing entities to establish policies to address the creation of
10 reports generated through the query of records and data in the criminal justice data warehouse. A
11 nongovernmental entity may only collaborate with respect to the data or information contributed by that
12 nongovernmental entity.

13 (5) (a) The board of crime control, established in 2-15-2008, shall actively assist the [AGENCY] to
14 identify and seek federal grant money that may be used for the purposes of establishing and maintaining the
15 criminal justice data warehouse and achieving priorities established in law for the council.

16 (b) The board of crime control shall prioritize distribution of funds received pursuant to subsection (5)(a)
17 to contributing entities.

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19 **NEW SECTION. ~~Section 3, Section 2.~~ Criminal justice coordinating council -- membership --**

20 **duties.** (1) There is a criminal justice coordinating council in the [AGENCY].

21 (2) The council consists of XX members as follow:

22 (a) [MEMBERS AND APPOINTING AUTHORITY, TERMS, PRESIDING OFFICER(S)].

23 (3) The duties of the council include:

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

25 (b) working in collaboration with [AGENCY HEAD] to establish and manage the criminal justice data
26 warehouse; and

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

28 (4) The Montana legislature, as well as contributing entities, has priority to request projects, reports, or

1 data analyses to be produced by a person authorized by the council. The council may deny a requested project,
2 report, or data analysis when the council determines the request is unduly burdensome, voluminous, or cost-
3 prohibitive.

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

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9 **NEW SECTION. Section 4. Projects for 2023-2024.** (1) In preparation for the 2025 legislative
10 session, the [AGENCY] and the criminal justice coordinating council shall prioritize the following projects:

11 (a) create a unique identifier to link data from separate state and local criminal justice agencies and the
12 judicial branch in a manner that is efficient and protects the confidentiality requirements for any personally
13 identifiable information;

14 (b) identify and define the data elements that the [AGENCY] and criminal justice coordinating council
15 should collect to achieve the purposes of [this act];

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

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

20 (e) identify and apply for federal funds that would help the [AGENCY] and the criminal justice
21 coordinating council begin and sustain work on the data warehouse;

22 (f) document data processes that are used to deposit data into the data warehouse;

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

25 (h) identify information from other state agencies, including the department of public health and human
26 services, that could be included in the data warehouse or that would be necessary to answer criminal justice
27 research questions posed by the criminal justice coordinating council;

28 (2) The [AGENCY] and the criminal justice coordinating council shall report to the law and justice

1 interim committee at each regularly scheduled meeting between [the effective date of this act] and September
2 15, 2024, and to other legislative interim committees or administrative committees as requested.

3 (3) By September 15, 2024, submit to the law and justice interim committee, legislative finance
4 committee, and the governor's office of budget and program planning a report that includes a summary of the
5 work of the [AGENCY] and the criminal justice coordinating council to create the data warehouse,
6 recommendations for specific next steps to further implement the data warehouse and the associated costs and
7 technology needs to accomplish those steps, at least 3 examples of data sharing or integration projects the
8 [AGENCY] and council has completed, and a list of policy and funding priorities identified for the 2025
9 legislative session.

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

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NEW SECTION. Section 6. Codification instruction. [Sections 1 through 3] are intended to be
codified as an integral part of Title 46, chapter 1, and the provisions of Title 46, chapter 1, apply to [sections 1
through 3].

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

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