

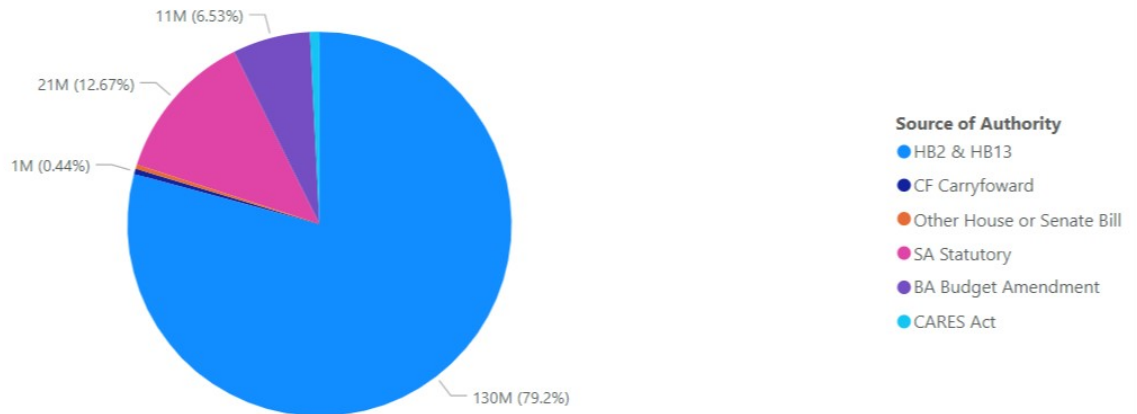
DEPARTMENT OF JUSTICE

(Spending report July 1 through November 30, 2021)

TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the agency is shown in the pie chart below. HB 2 and HB 13 provide 79.2% of the total authority for this agency. All types of appropriation authority for this agency are described below, including total budget and the percent expended by source of authority.

Total Modified Budget by Source of Authority



Source of Authority	Modified Budget	Expended Budget	Percent Expended	FiscalMonth
HB2 & HB13	129,802,296	43,811,292	33.8%	<input type="checkbox"/> Jul
CF Carryforward	713,277			<input checked="" type="checkbox"/> Aug
Other House or Senate Bill	595,002	181,937	30.6%	<input checked="" type="checkbox"/> Sep
SA Statutory	20,771,196	9,022,478	43.4%	<input checked="" type="checkbox"/> Oct
BA Budget Amendment	10,706,483	919,732	8.6%	<input checked="" type="checkbox"/> Nov
CARES Act	1,295,953	347,811	26.8%	<input type="checkbox"/> Dec
Total	163,884,207	54,283,251	33.1%	<input type="checkbox"/> Jan
				<input type="checkbox"/> Feb
				<input type="checkbox"/> Mar

Budget Amendments

Through November, the Department of Justice (DOJ) expended \$0.9 million, or 8.6%, of the \$10.7 million in budget amendment (BA) authority. The BA authority is funded 6.8% with state special revenues and 93.2% with federal special revenues. From the total BA authority, \$9.3 million was continued from FY 2021. DOJ BA authority was increased by \$5.4 million with the transfer of the Board of Crime Control into the department. The following is a summary of the primary DOJ budget amendment authority and the related expenditures through November:

- \$724,909 of state special revenue authority and \$86,316 of expenditures to disseminate criminal history records to law enforcement agencies and the public
- \$5.4 million of federal special revenue authority and \$237,787 of expenditures in the Board of Crime Control to develop effective responses in crimes against women, children, and the elderly and the provision of grants to victims of crime

- \$3.0 million of federal special revenue authority and \$378,685 of expenditures in the Division of Criminal Investigation to address criminal activities related to the manufacture and distribution of methamphetamine, opioids, and prescription drugs
- \$804,452 of federal special revenue authority and \$161,362 of expenditures in the Forensic Services Division for DNA analysis capacity enhancement and backlog reduction

Carryforward

DOJ has \$713,227 of carryforward authority in FY 2022, which is derived from 30.0% of the unexpended balance of FY 2020 appropriations. The authority is funded with 61.9% state special revenue, 26.7% general fund, and 11.3% federal special revenue. The agency has not expended any of this authority through November of FY 2022.

Other Bills

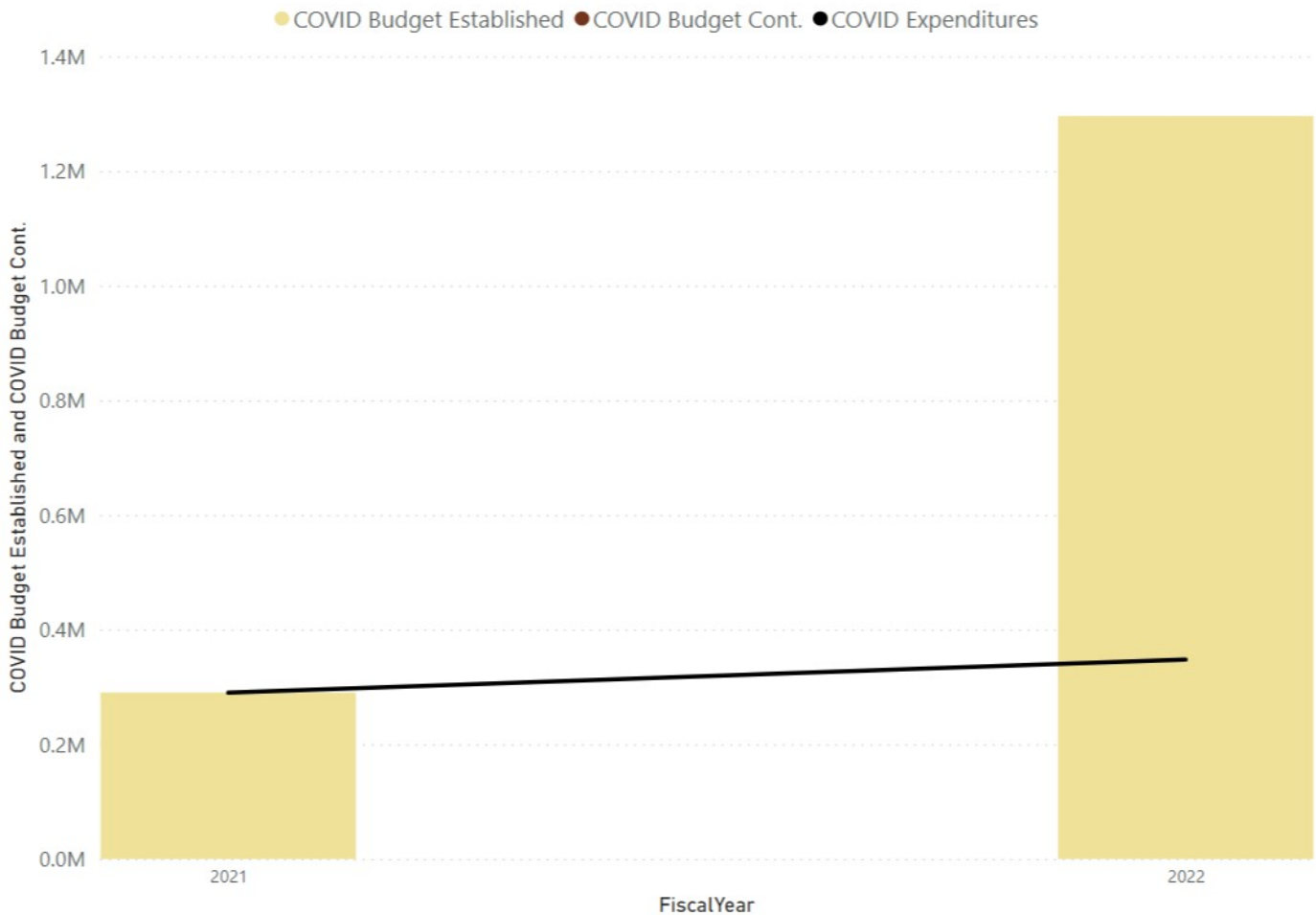
In FY 2022 DOJ has \$595,002 of authority from four non-HB 2 house or senate bills. The total authority is funded with 16.0% general fund and 84.0% state special revenue. Through November, expenditures related to this authority were \$181,937. The detail of the other bills authority includes:

- \$450,000 –state special revenue authority from HB 701, generally revise marijuana laws, that includes:
 - \$150,000 – in the Board of Crime Control Division for crisis interdiction team training
 - \$300,000 – in the Central Services Division for grants to train drug sniffing dogs in the K9 program (\$181,937 of expenditures)
- \$50,000 – state special revenue authority for grant funding in the Division of Criminal Investigation from HB 98, extending the termination of the missing indigenous persons task force
- \$75,000 – general fund authority in the Board of Crime Control Division in HB 696, generally revise crisis intervention training laws, to provide specialized training to help law enforcement officers to recognize and respond to individuals with mental illness or behavioral health problems
- \$20,000 – general fund authority in the Division of Criminal Investigation from HB 35, establish a missing persons review commission, with \$42 of expenditures

COVID-19 Authority

The following chart is provided to allow the legislature to examine the funding that is available to the agency for COVID-19 impacts. Administrative authority for CARES I and ARPA appropriations was allocated to the agency by the Governor’s Office. Administration authority is not an appropriation and thus is not included in the total appropriation authority shown on the previous page.

COVID Established Budget, COVID Continuing Budget, and COVID Expenditures by Fiscal Year



Through November, DOJ has expended \$181,859 of the \$1.3 million in COVID-19 authority provided in FY 2022. The authority is in the Board of Crime Control Division and most of the expenditures were spent on grants for responding to, preparing, or preventing the spread of the Corona virus. Not yet shown in the figure above, DOJ has been advised of an allocation of \$815,000 from HB 632 revenue replacement funds to provide funding to address the increase of violent crime in Billings. The authority has not been moved to the DOJ budget yet, but is expected soon. A link to the memorandum to the Economic Transformation and Stabilization and Workforce Development Advisory Commission dated October 27 related to this allocation is included below, and the subject of the memo is “Addressing Significant Violent Crime Increase to Economically Stabilize Billings,” which can be found on page 9 of the document.

<https://leg.mt.gov/content/publications/fiscal/2023-Interim/November-2021/LFC-Request-for-Meeting.pdf>

Statutory Appropriations

Through November, DOJ expended statutory appropriation authority of \$9.0 million, or 43.4%, of the total \$20.8 million of authority in FY 2022 on six different statutory appropriations. The primary statutory appropriation budget and spending was as follows:

- \$3.6 million for the state's share of the costs of county attorneys, as required in 7-4-2502, MCA. This appropriation is funded with general fund. Spending through November was \$1.9 million
- \$13.0 million for the distribution and granting of 9-1-1 fees, as required in 10-4-304, MCA. The appropriations, 75.0% for distribution to local and tribal government entities that host public safety answering points and 25.0% grants to private telecommunications providers that host the sites of answering points, was transferred into the DOJ budget in FY 2022. The statutory appropriations are funded with state special revenues. Through November, \$5.0 million was expended for distributions and \$1.1 million was expended on grants
- \$1.9 million for the distribution of fees and taxes on various forms of gambling (card tables, live bingo and keno, and video machines) to local governments, as required in 23-5-306, 409, and 612, MCA. The appropriation is funded with state special revenues derived from the fees and taxes. The agency expended \$980 of this authority through November
- \$1.9 million for a transfer to the Highway Patrol retirement account, as required by 19-6-404, MCA. This appropriation is funded with general fund. Spending through November was \$752,617
- \$220,514 for crime victim's compensation, as required in 53-9-113, MCA, which was extended by the 2021 Legislature through FY 2027. The appropriation is funded with state special revenues derived from the crime victim's compensation account. Spending through November was \$216,310

Non-Budgeted Proprietary Funding

Not shown in the totally authority figure on Page 1, the department has \$1.7 million of non-budgeted proprietary funding in FY 2022 for a single proprietary program, Agency Legal Services. The program expended \$617,754, or 36.6% of the authority, through November. Expenditures were for exclusively for legal services within DOJ.

HB 2 BUDGET MODIFICATIONS

The following chart shows the HB 2 budget as passed by the legislature, including the pay plan, and the HB 2 modified budget through November 30, 2021. Net modifications to the budget include operating plan changes from one expenditure account to another, program transfers, reorganizations, and agency transfers of authority. The **positive modifications** and **negative modifications** are shown by program, expenditure account, and fund type.

Legislative Budget Compared to Modified Budget - HB 2 Only

Agency Name	Legislative Budget	Modified Budget	Net Modifications
Department of Justice	129,614,676	129,802,296	187,620
BOARD OF CRIME CONTROL	15,591,093	15,580,420	-10,673
CENTRAL SERVICES DIVISION	2,417,368	2,887,168	469,800
DIV OF CRIMINAL INVESTIGATION	15,238,440	16,755,643	1,517,203
FORENSIC SERVICES DIVISION	8,192,392	7,258,216	-934,176
GAMBLING CONTROL DIVISION	4,638,635	4,471,597	-167,038
INFORMATION TECHNOLOGY SYSTEM	5,738,674	5,594,781	-143,893
LEGAL SERVICES DIVISION	9,953,853	8,480,609	-1,473,244
MONTANA HIGHWAY PATROL	45,449,850	46,492,631	1,042,781
MOTOR VEHICLE DIVISION	22,394,371	22,281,231	-113,140
Total	129,614,676	129,802,296	187,620

Acct & Lvl 1 DESC	Legislative Budget	Modified Budget	Net Modifications
61000 Personal Services	70,737,685	71,165,775	428,090
62000 Operating Expenses	39,658,748	39,019,220	-639,528
63000 Equipment & Intangible Assets	4,568,234	4,613,234	45,000
65000 Local Assistance	25,000	25,000	
66000 Grants	10,105,395	10,072,272	-33,123
67000 Benefits & Claims	996,191	774,048	-222,143
68000 Transfers-out	3,207,136	3,132,136	-75,000
69000 Debt Service	316,287	1,000,611	684,324

Fund Type	Legislative Budget	Modified Budget	Net Modifications
01 General	33,719,304	33,906,924	187,620
02 State/Other Spec Rev	79,114,862	79,114,862	0
03 Fed/Other Spec Rev	14,838,362	14,838,362	0
06 Enterprise	1,935,170	1,935,170	0
06 Internal Service	6,978	6,978	

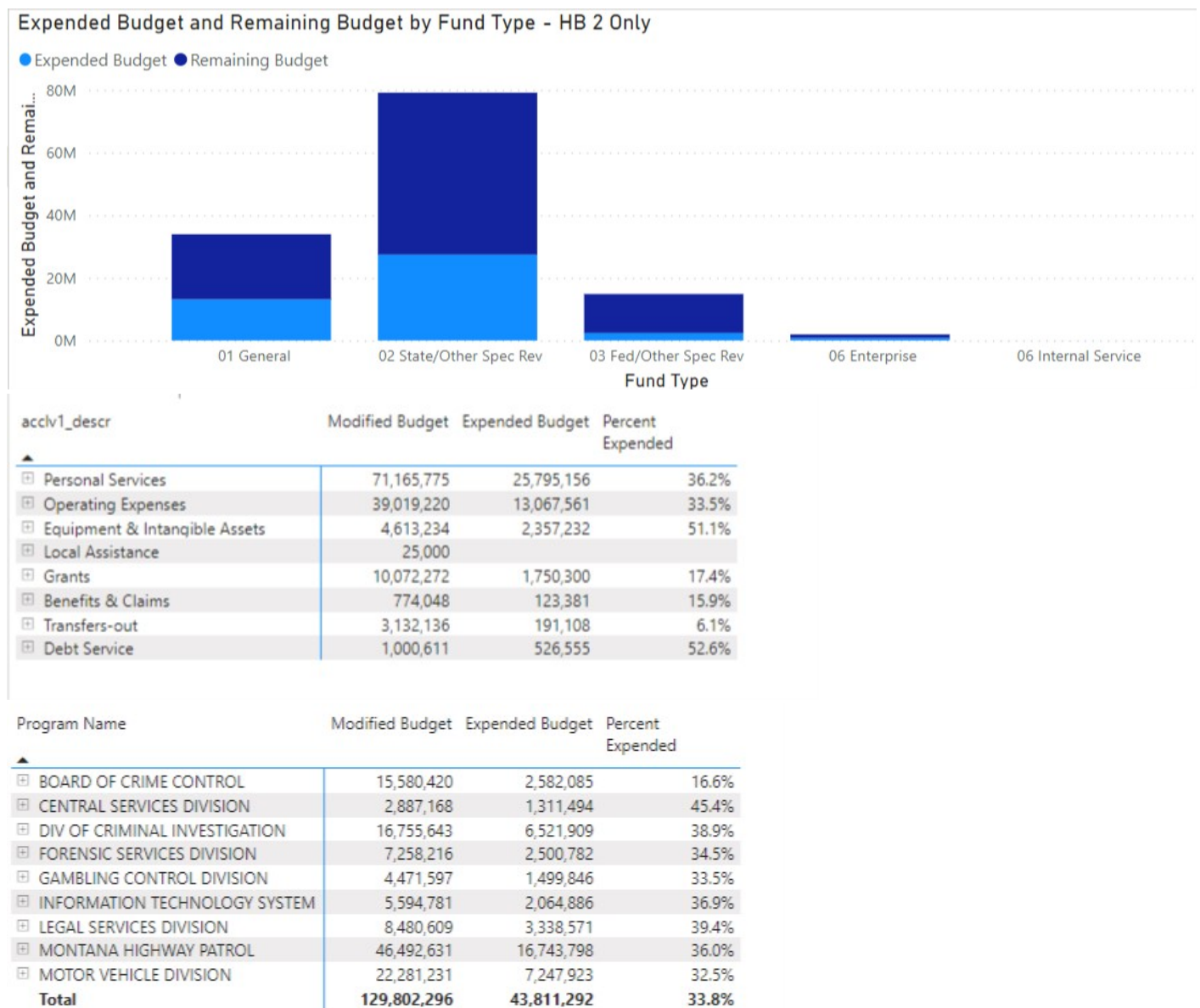
Through November, DOJ made modifications to the HB 2 budget that resulted in an increase of \$187,620 in general fund authority. The adjustment was the result of the transfer of the 9-1-1 emergency system from the Department of Administration to DOJ. The 9-1-1 budget includes personal services funding in FY 2022 for 1.09 FTE in the Highway Patrol. The FTE transfer and associated budget will be requested in the HB 2 budget in the 2025 biennium. Other modifications, that in total net to \$0, principally increase personal services and debt service with the movement of authority between the agency programs and first level account types. In the personal services, the modifications principally increased the Division of Criminal Investigation through reductions in other divisions. The increase in debt service was moved from operating expenses and is related to

costs associated with a loan/maintenance contract for the upgrades and maintenance of the public safety radio system in the Montana Highway Patrol Division.

DOJ also moved FTE and the associated budget between programs. For more information on FTE movement see the personal services section of this report.

HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through November 30, 2021.



Through November, DOJ expended \$43.8 million, or 33.8%, of the modified HB 2 budget. The figure at the top of this page explains the HB 2 funding. The DOJ HB 2 budget is funded with 26.1% general fund, 61.0% state special revenue, 11.4% federal special revenue, and 1.5% proprietary (enterprise) funds. The spending through November was funded with 62.6% of state special revenue and 30.0% general fund. In the FY 2022 budget, federal special revenues were increased by \$13.5 million with the transfer of Board of Crime Control to the DOJ.

Expenditures through November were 33.8% of the modified budget, slightly lower than the five-year annual average of 43.2% of the budget, and lower than expenditures in the same period of FY 2021, 41.5%. Changes from the historic averages occur in the personal services where the historic comparison is 35.3% of the budget and operating expenses where the historic spending level is 40.3% of the budget. According to the agency, one

reason for lower operating expenses at this time is related to a delay in payments to SITSD due to inaccurate invoices.

Through November, the department’s expenditures are weighted to personal services, accounting for 58.9% of total HB 2 expenditures. The Montana Highway Patrol Division records the highest level of personal services with \$10.1 million in costs, or 39.0% to the total personal services expenditures. For more information on the personal services budget, refer to the Personal Services section below.

The 2021 version of HB 2 contained two-line items directing spending in the DOJ budget. The appropriations and spending through November are detailed as follows:

- \$1.0 million per fiscal year in the 2023 biennium for the Montana Highway Patrol Division Boulder Campus line-item appropriation, which was contingent on the passage of another bill that failed. As such, the appropriation is not included in the HB 2 modified budget. While there have been no expenditures directly related to the line-item the agency is tracking all costs associated with Boulder. According to the agency there has been \$292,913 (as of 11/30) of payroll and operating expenses costs related to the campus. The agency believes that they are on track to spend \$1,000,000 on Boulder in FY 2022
- \$62,500 each fiscal year in the 2023 biennium in the Forensic Science Division to outsource sexual assault kit testing. Through November, there have been no expenditures associated with this appropriation, but according to DOJ, there will be expenditures from this appropriation once the vendor is approved/certified to test Montana specific DNA

Personal Services

The following chart shows the filled and vacant FTE within the agency as of November 1, 2021.



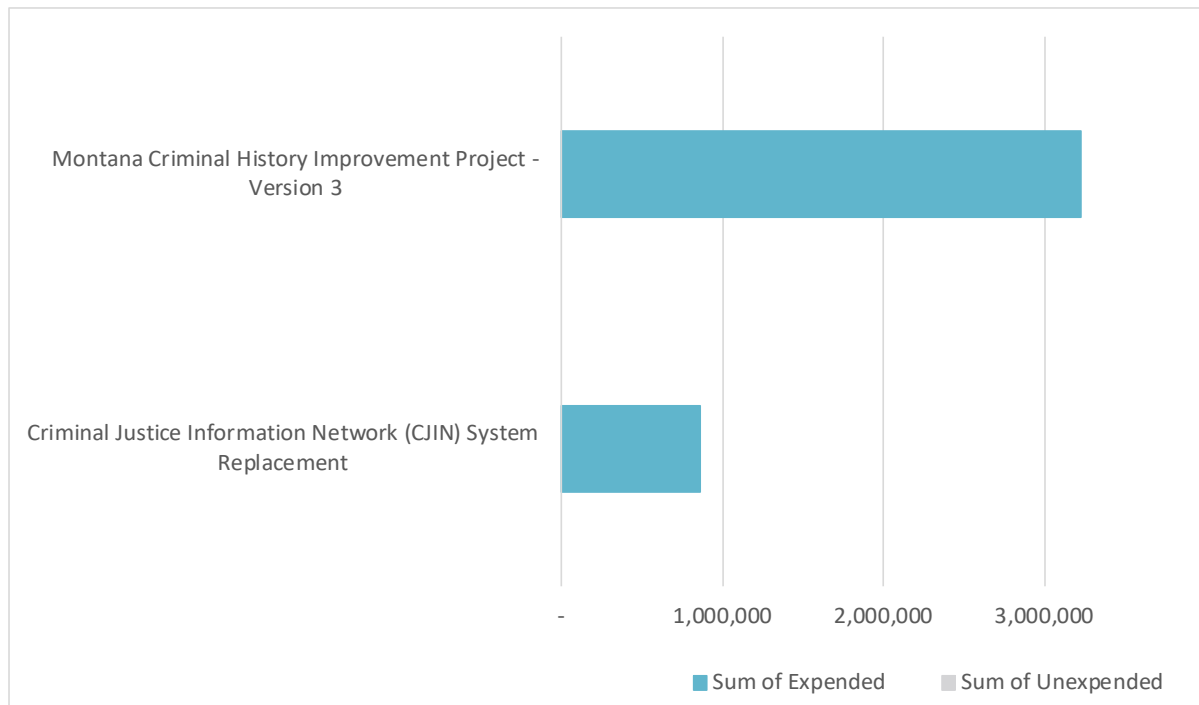
In FY 2022, the DOJ is budgeted for 819.56 FTE, an increase of 27.40 FTE over the budgeted FTE in FY 2021. The increase in the number of FTE occurred with the transfer of 17.50 FTE in the Board of Crime Control from the Department of Corrections. Of the total FTE, DOJ had 70.55 positions vacant as of November 1, 2021. According to the State Human Resources data, 21.60 FTE or 30.6% of the vacancies are in the Montana Highway Patrol Division.

Up until November 1 in FY 2022, DOJ made numerous modifications that moved FTE, and the associated budget, between programs. The largest modification illustrated in the figure below was a reorganization that moved the crime victims program from the Legal Services Division, or State Attorney’s Office (LSD) to the Division of Criminal Investigation (DCI). Along with the FTE, the LSD transferred \$1.4 million in budget authority to DCI in FY 2022 and \$1.7 million in FY 2023. A summary of the net (one or more actions in each division sum to the net change) FTE movements resulting from modifications is seen in the figure below by impacted program.

Net Movements of FTE through November 1, 2021				
Division	Description	FY 2022	FY 2023	
01_Legal Services Division (LSD)	FTE moved from MVD and to DCI	(7.12)	(9.50)	
03_Montana Highway Patrol (MHP)	FTE moved to MHP then to JITSD	(1.09)	(1.60)	
04_Justice Information Tech. Services Division (JITSD)	FTE moved from MHP	0.09	0.60	
05_Division of Criminal Investigation (DCI)	FTE moved from GCD and LSD	9.37	12.50	
07_Gambling Control Division (GCD)	FTE moved to DCI	(1.50)	(2.00)	
09_Motor Vehicle Division (MVD)	FTE moved to LSD	(0.75)	(1.00)	
10_Central Services Division (CSD)	FTE moved from JITSD	1.00	1.00	
Total Department Change		0.00	0.00	

OTHER ISSUES

Information Technology Project Expenditures



Large Information Technology Projects Original and Revised Budgets			
Project	Original Budget	Revised Budget	Change from Original Budget
Criminal Justice Information Network (CJIN) System Replacement	636,949	855,204	34.3%
Montana Criminal History Improvement Project - Version 3	2,984,662	3,223,528	8.0%

Large Information Technology Projects Original and Revised Delivery Date				
Project	Start Date	Original Delivery Date	Revised Delivery Date	Change from Original Delivery Date
Criminal Justice Information Network (CJIN) System Replacement	5/13/2020	10/30/2020	3/25/2021	85.9%
Montana Criminal History Improvement Project - Version 3	1/1/2018	3/31/2018	6/30/2021	1333.7%

DOJ has two large information technology projects that appear on the SITSD data dashboard. Both projects are 100.0% complete and continue to be included in the dashboard because they are in the six-month post implementation phase of the project.

REQUIRED REPORTS

HB 693 Reporting – This legislation requires reporting by the DOJ on the following items:

- The department shall undertake a thorough review of the reports generated pursuant to 41-3-210(3) and report to the law and justice interim committee and the legislative finance committee no later than August 1, 2021, on the status of reporting by county attorneys since the initial report deadline identified in House Bill No. 640 (2019) and its review of the county attorney reports and overall assessment of the law enforcement and prosecutorial response to reports from mandatory reporters.

41-3-210. County attorney duties — certification — retention of records — reports to attorney general and legislature. (of sexual abuse or sexual exploitation of a child made within the county)

(3) Each county attorney shall report every 6 months to the attorney general. The report to the attorney general must include, for each report from the department or investigation by law enforcement:

- (a) a unique case identifier;
- (b) the date that the initial report or allegation was received by the county attorney;
- (c) the date of any decision to prosecute based on a report or investigation;
- (d) the date of any decision to decline to prosecute based on a report or investigation; and
- (e) if charges are filed against a defendant, any known outcomes of the case.

Provided at the September IBC meeting:

https://leg.mt.gov/content/publications/fiscal/2023-Interim/IBC-D/HB_693-Status_of_County_Attorney_Reports.pdf