



REPORTED CORRECTLY ENROLLED.



1 ~~federal--bureau-of-investigation-personnel~~: Each agent shall  
2 meet all the requirements of 7-32-303."

3 **Section 5.** Section 44-2-115, MCA, is amended to read:

4 "44-2-115. Powers and duties of agents. An agent  
5 appointed by the attorney general pursuant to this part is a  
6 peace officer and shall:

7 (1) assist shall provide investigative assistance to  
8 city, county, state, and federal law enforcement agencies at  
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12 justice after approval by the law enforcement advisory  
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14 (2) must have concurrent jurisdiction with local law  
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16 dangerous drugs, as provided in Title 45, chapter 9, and  
17 violations that constitute organized criminal activity as  
18 defined in rules approved by the law enforcement advisory  
19 council;

20 (3) shall investigate gambling activities in this state  
21 as provided in 23-5-113;

22 (4) shall investigate any apparent violations of penal  
23 statutes disclosed by an audit of a state agency by the  
24 legislative auditor;

25 (5) shall investigate apparent violations of penal

1 statutes referred by the state workers' compensation mutual  
2 insurance fund; and

3 ~~(2)~~(6) shall assist whenever possible any law  
4 enforcement school held in the state for law enforcement  
5 officers when requested;

6 ~~(3)~~act--as--a-peace-officer,--as-defined-in-the-laws-of  
7 Montana,--when-engaged--in--assisting--or--acting--under--the  
8 direction---of---city,---county,---state,---and---federal---law  
9 enforcement-agencies-as-provided-in-this-section."

10 NEW SECTION. Section 6. Repealer. Section 44-2-112,  
11 MCA, is repealed.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0257, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill would create a law enforcement advisory council and allow the advisory council to review and approve operational rules for the investigative functions of the Department of Justice; clarification is also provided for the peace officer status of criminal investigation agents of the Department of Justice.


ASSUMPTIONS:


1. There will be nine advisory council members and two of the members will be Department of Justice employees. Expenses will be paid for the other seven members in the form of a \$25 stipend per meeting and travel expenses. Travel is estimated on the basis of an average 300 mile round trip for each of the seven non-employee members.
2. An average of four council meetings will be held per fiscal year. The average cost per non-employee member per meeting will be \$153.
3. Current law is represented by the executive budget recommendation for the Legal Services Division of the Department of Justice.

FISCAL IMPACT:

Department of Justice-Legal Services Division

|                      | FY 92       |              |            | FY 93       |              |            |
|----------------------|-------------|--------------|------------|-------------|--------------|------------|
|                      | Current Law | Proposed Law | Difference | Current Law | Proposed Law | Difference |
| <u>Expenditures:</u> |             |              |            |             |              |            |
| FTE                  | 25.50       | 25.50        | 0.00       | 25.50       | 25.50        | 0.00       |
| Personal Services    | 990,600     | 990,600      | 0          | 989,300     | 989,300      | 0          |
| Operating Costs      | 242,300     | 246,600      | 4,300      | 237,700     | 242,000      | 4,300      |
| Equipment            | 13,000      | 13,000       | 0          | 12,700      | 12,700       | 0          |
| Total                | 1,245,900   | 1,250,200    | 4,300      | 1,239,700   | 1,244,000    | 4,300      |
| <u>Funding:</u>      |             |              |            |             |              |            |
| General Fund (01)    | 1,245,900   | 1,250,200    | 4,300      | 1,239,700   | 1,244,000    | 4,300      |
| General Fund Impact  |             |              | (4,300)    |             |              | (4,300)    |

  
 ROD SUNDSTED, BUDGET DIRECTOR      DATE 2-6-91  
 Office of Budget and Program Planning

  
 DELWYN GAGE, PRIMARY SPONSOR      DATE 2/7/91  
 Fiscal Note for SB0257, as introduced      **SB 257**

APPROVED BY COMMITTEE  
ON JUDICIARY

1 SENATE BILL NO. 257  
 2 INTRODUCED BY GAGE  
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING--A--LAW  
 6 ENFORCEMENT--ADVISORY-COUNCIL;--ALLOWING-THE-ADVISORY-COUNCIL  
 7 TO--REVIEW--AND--APPROVE--OPERATIONAL--RULES--GOVERNING--THE  
 8 INVESTIGATIVE--FUNCTIONS--OF--THE--DEPARTMENT--OF---JUSTICE;  
 9 CLARIFYING THE PEACE OFFICER STATUS OF CRIMINAL  
 10 INVESTIGATION AGENTS OF THE DEPARTMENT OF JUSTICE; AMENDING  
 11 SECTIONS 44-2-111, 44-2-113, AND 44-2-115, MCA; AND  
 12 REPEALING SECTION 44-2-112, MCA."  
 13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 15 NEW-SECTION;--Section-1;--Law--enforcement--advisory  
 16 council;-(1)-The-attorney-general--shall--establish--a--law  
 17 enforcement--advisory--council--in--accordance--with--2-15-122.  
 18 Members--must--include--representatives--of--the--department--of  
 19 justice;--the--Montana--chiefs--of--police--association;--the  
 20 Montana--sheriffs--and--peace--officers--association;--the--Montana  
 21 police--protective--association;--the--Montana--county--attorneys  
 22 association;--and--private--citizens;--The--Montana--chiefs--of  
 23 police--association;--the--Montana--sheriffs--and--peace--officers  
 24 association;--the--Montana--police--protective--association;--and  
 25 the--Montana--county--attorneys--association--shall--each--submit--a

1 list-of-names-from-which-the--attorney--general--may--select  
 2 representatives-to-the-advisory-council;  
 3 (2)--Members--of--the--advisory--council--serve--at--the  
 4 pleasure-of-the-attorney-general;  
 5 (3)--The--department--of--justice--shall--provide--staff--and  
 6 support--for--the--advisory--council;  
 7 NEW-SECTION;--Section-2;--Functions-of-advisory-council;  
 8 The-advisory-council--shall:  
 9 (1)--recommend-general-policies-for-the-enforcement--and  
 10 investigation-operations-of-the-department-of-justice;--and  
 11 (2)--review--and--approve--rules--of--the--department--of  
 12 justice--concerning--the--operational--protocol--of--the  
 13 investigative--agencies--of--the--department--when-providing  
 14 assistance--to--city;--county;--state;--or--federal--law  
 15 enforcement-agencies-at-their-request;  
 16 **Section 1.** Section 44-2-111, MCA, is amended to read:  
 17 "44-2-111. Definition of "agent". As used in this part,  
 18 "agent" means a person appointed by the attorney general to  
 19 conduct criminal investigations and perform related duties  
 20 within the attorney-general's-office department of justice."  
 21 **Section 2.** Section 44-2-113, MCA, is amended to read:  
 22 "44-2-113. Qualifications of agents. Each agent shall  
 23 must be a person qualified by experience, training, and high  
 24 professional competence in criminal investigation.  
 25 Qualifications shall be equal to those of similarly assigned



1 ~~federal--bureau-of-investigation-personnel:~~ Each agent shall  
2 meet all the requirements of 7-32-303."

3 **Section 3.** Section 44-2-115, MCA, is amended to read:  
4 "44-2-115. Powers and duties of agents. An agent  
5 appointed by the attorney general pursuant to this part is a  
6 peace officer and shall:

7 (1) assist shall provide investigative assistance to  
8 city, county, state, and federal law enforcement agencies at  
9 their request by--providing--expert--and--immediate--aid--in  
10 investigation--and--solution--of--felonies--committed-in-the  
11 state in accordance with rules adopted by the department of  
12 justice after approval by the law enforcement advisory  
13 council;

14 (2) must SHALL have concurrent jurisdiction with local  
15 law enforcement agencies to investigate offenses involving  
16 dangerous drugs, as provided in Title 45, chapter 9, and  
17 violations that constitute organized criminal activity as  
18 defined in rules approved by the law enforcement advisory  
19 council;

20 (3) shall investigate gambling activities in this state  
21 as provided in 23-5-113;

22 (4) shall investigate any apparent violations of penal  
23 statutes disclosed by an audit of a state agency by the  
24 legislative auditor;

25 (5) shall investigate apparent violations of penal

1 statutes referred by the state workers' compensation mutual  
2 insurance fund; and

3 ~~(2)(6)~~ shall assist whenever possible any law  
4 enforcement school held in the state for law enforcement  
5 officers when requested;

6 ~~(3)--act--as--a-peace-officer,--as-defined-in-the-laws-of~~  
7 ~~Montana,--when-engaged--in--assisting--or--acting--under--the~~  
8 ~~direction---of---city,---county,---state,---and---federal---law~~  
9 ~~enforcement-agencies-as-provided-in-this-section."~~

10 **NEW SECTION. Section 4.** Repealer. Section 44-2-112,  
11 MCA, is repealed.

-End-

1 SENATE BILL NO. 257

2 INTRODUCED BY GAGE

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING--A--LAW  
6 ENFORCEMENT--ADVISORY--COUNCIL;--ALLOWING--THE--ADVISORY--COUNCIL  
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 ~~NEW-SECTION--Section-1--Law--enforcement--advisory~~  
16 ~~council--(1)--The-attorney-general--shall--establish--a--law~~  
17 ~~enforcement--advisory--council--in-accordance-with-2-15-122--~~  
18 ~~Members-must-include-representatives-of--the--department--of~~  
19 ~~justice;--the--Montana--chiefs--of--police--association;--the~~  
20 ~~Montana--sheriffs--and--peace-officers--association;--the--Montana~~  
21 ~~police-protective-association;--the--Montana--county--attorneys~~  
22 ~~association;--and--private--citizens;--The--Montana--chiefs--of~~  
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1 list-of-names-from-which-the--attorney--general--may--select  
2 representatives-to-the-advisory-council;

3 (2)--Members--of--the--advisory--council--serve--at--the  
4 pleasure-of-the-attorney-general;

5 (3)--The--department--of--justice--shall--provide--staff--and  
6 support-for-the-advisory-council;

7 ~~NEW-SECTION--Section-2--Functions-of-advisory-council--~~  
8 ~~The-advisory-council--shall:~~

9 (1)--recommend-general-policies-for-the-enforcement--and  
10 investigation-operations-of-the-department-of-justice;--and

11 (2)--review--and--approve--rules--of--the--department-of  
12 justice--concerning--the--operational--protocol--of--the  
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