

SENATE BILL NO. 93

Introduced: 01/11/83

Referred to Committee on Judiciary: 01/11/83

Hearing: 1/18/83

Report: 02/04/83, Do Not Pass. Report Adopted.

Bill Killed.

1 *Senate* BILL NO. *93*
2 INTRODUCED BY *Van Valkenburg-Hall - Manuel*
3 BY REQUEST OF THE BOARD OF CRIME CONTROL
4 *Keyser*
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT
6 OF JUSTICE TO ESTABLISH A CRIMINAL INTELLIGENCE INFORMATION
7 SECTION WITHIN ITS CRIMINAL INVESTIGATION BUREAU; AMENDING
8 SECTIONS 44-5-102, 44-5-303, AND 44-5-402, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: -
11 NEW SECTION. Section 1. Creation of criminal
12 intelligence information section — advisory council. (1)
13 The department of justice may create within the criminal
14 investigation bureau a criminal intelligence information
15 section directly responsible to the attorney general.
16 (2) (a) If a section is created under subsection (1),
17 the attorney general shall establish a criminal intelligence
18 information advisory council in accordance with 2-15-122,
19 consisting of two representatives from the Montana chiefs of
20 police association, two representatives from the Montana
21 sheriffs and peace officers association, two representatives
22 from the Montana county attorneys association, one member of
23 the department of justice, and a member of the judiciary
24 committee of either the house of representatives or the
25 senate.

1 (b) Except for county attorney members, the member of
2 the department of justice, and the judiciary committee
3 member, each member of the advisory council must be a sworn
4 officer of a participating agency.

5 (c) The department of justice member may not be an
6 employee of the criminal investigation bureau or any of its
7 sections.

8 (d) Members of the advisory council serve at the
9 pleasure of the attorney general.

10 (e) The criminal investigation bureau shall provide
11 staff and support services for the advisory council.

12 NEW SECTION. Section 2. Definitions. In [sections 2
13 through 8] the following definitions apply:

14 (1) "Section" means the criminal intelligence
15 information section provided for in [section 1].

16 (2) "Advisory council" means the criminal intelligence
17 information advisory council provided for in [section 1].

18 NEW SECTION. Section 3. Duties of section. The
19 section may not initiate investigations to gather criminal
20 intelligence information, but subject to standards and
21 procedures provided by [sections 2 through 8] and to other
22 limitations imposed by law, the section shall:

23 (1) establish and maintain liaison with participating
24 law enforcement agencies to foster a meaningful exchange of
25 criminal intelligence information;

(2) develop and maintain a system for collecting, reviewing, storing, referencing, indexing, and disseminating criminal intelligence information;

(3) receive and collect information from participating law enforcement agencies;

(4) develop an analytical capability to provide useful strategic and tactical intelligence reports;

(5) maintain the integrity and security of all information collected by the section; and

(6) develop methods of evaluating the effectiveness of the section in accomplishing its goals and in safeguarding the privacy of all individuals about whom the section has information.

NEW SECTION. Section 4. Section supervisor and personnel. (1) The chief of the criminal investigation bureau of the department of justice shall designate a section supervisor.

(2) The criminal investigation bureau may employ necessary personnel for the efficient and secure operation of the section, subject to approval of the personnel by the attorney general.

NEW SECTION. Section 5. Functions of advisory council. The advisory council shall:

(1) recommend general policies for the operation of the criminal intelligence information section;

(2) recommend the approval or denial of an application of an eligible agency for participation in the criminal intelligence information section;

(3) recommend the suspension of a participant agency for due cause; and

(4) recommend the reinstatement of a suspended participant agency.

NEW SECTION. Section 6. Participating agencies. (1) Agencies eligible for participation in the criminal intelligence information section are:

(a) municipal police departments;

(b) sheriff's departments; and

(c) sections of the criminal investigation bureau of the department of justice.

(2) A participant in the criminal intelligence information section must be an eligible agency that has been authorized by the attorney general to receive criminal intelligence information from the section under [sections 2 through 8].

NEW SECTION. Section 7. Protection of individual privacy. The advisory council shall review and evaluate the implementation of the section's safeguards of individual privacy rights adopted pursuant to [section 8] and shall annually inspect all records relating to dissemination of information to determine whether they are in compliance with

1 [sections 2 through 8] and with the standards and procedures
2 of the section. The advisory council shall make yearly
3 reports to the attorney general.

4 NEW SECTION. Section 8. Section standards and
5 procedures. The attorney general, in conjunction with the
6 criminal investigation bureau and after considering
7 recommendations of the advisory council, shall adopt
8 standards and procedures for the operation of the section.
9 The standards and procedures must ensure compliance with
10 [sections 2 through 8] by the section and must include
11 safeguards of individual privacy rights.

12 Section 9. Section 44-5-102, MCA, is amended to read:

13 "44-5-102. Purpose. The purpose of this chapter is to
14 require the photographing and fingerprinting of persons
15 under certain circumstances, to ensure the accuracy and
16 completeness of criminal history information, and to
17 establish effective protection of individual privacy in
18 criminal justice information recordkeeping and criminal
19 intelligence information collection, storage, and
20 dissemination."

21 Section 10. Section 44-5-303, MCA, is amended to read:

22 "44-5-303. Dissemination of confidential criminal
23 justice information and criminal intelligence information.
24 (1) Dissemination of confidential criminal justice
25 information is restricted to criminal justice agencies or to

1 those authorized by law to receive it. A criminal justice
2 agency that accepts confidential criminal justice
3 information assumes equal responsibility for the security of
4 such information with the originating agency. Whenever
5 confidential criminal justice information is disseminated,
6 it must be designated as confidential.

7 (2) Dissemination of criminal intelligence information
8 is governed by [sections 2 through 8]."

9 Section 11. Section 44-5-402, MCA, is amended to read:

10 "44-5-402. Automated equipment. (1) In an automated
11 criminal justice information system, information shall be
12 collected, processed, and preserved on a computer dedicated
13 solely to criminal justice information, except that, if this
14 is impractical, a central computer may be used if adequate
15 safeguards are built into the criminal justice information
16 system to prevent unauthorized inquiry, modification, or
17 destruction of criminal justice information in conformity
18 with the current federal regulations in 28 C.F.R. section
19 20.21(f) or any amendment thereto.

20 (2) Criminal intelligence information equipment and
21 its use is governed by [sections 2 through 8]."

22 NEW SECTION. Section 12. Codification instruction.
23 Sections 2 through 8 are intended to be codified as an
24 integral part of Title 44, chapter 5, and the provisions of
25 Title 44, chapter 5, apply to sections 2 through 8.

STATE OF MONTANA

081-83

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received January 12, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 93 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 93 allows the Department of Justice to establish a Criminal Intelligence Information Section within its Criminal Investigation Bureau.

ASSUMPTIONS:

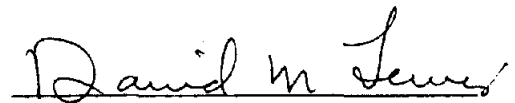
- 1) The Criminal Intelligence Information Advisory Council travel and per diem expenses will be paid from the operating expenses as set forth in the Executive Budget.
- 2) Section supervision will be provided through existing personnel in the Criminal Investigation Bureau.
- 3) A Manual File "Pointer" System of criminal intelligence information will be utilized.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Personal Services		
1 Stat. Clerk, grade 10, step 2	\$17,444	\$17,800
Operating Expenses		
Travel	5,000	5,000
Telephone (toll free)	5,000	5,000
Office Supplies	1,711	1,711
Printing	2,500	2,000
Equipment		
1 Transcriber	<u>350</u>	<u>-0-</u>
TOTAL	<u>\$32,005</u>	<u>\$31,511</u>

The Criminal Investigation Bureau which could also support the Criminal Intelligence Section, is requesting additional clerical help in their current budget. If no additional clerical support is appropriated, the bureaus current part-time clerical position would not be able to assist this new section. Part-time clerical help would be needed - especially in the first year.

FISCAL NOTE 4:E/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-17-83