SENATE BILL NO. 128

INTRODUCED BY GAGE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

- JANUARY 19, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
- FEBRUARY 16, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 17, 1987 PRINTING REPORT.
- FEBRUARY 18, 1987 SECOND READING, DO PASS.
- FEBRUARY 19, 1987 ENGROSSING REPORT.
- FEBRUARY 20, 1987 THIRD READING, PASSED. AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

- IN THE HOUSE
- FEBRUARY 23, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
- MARCH 13, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 16, 1987 SECOND READING, CONCURRED IN.
- MARCH 17, 1987 THIRD READING, CONCURRED IN. AYES, 93; NOES, 3.

RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1987 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

LC 1028/01

Senete BILL NO. 120 1 INTRODUCED BY Dak 2 BY REQUEST OF THE DEPARTMENT OF JUSTICE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE USES OF 5 MONEY AND PROPERTY CREDITED TO THE SPECIAL LAW ENFORCEMENT 6 7 ASSISTANCE ACCOUNT; AND AMENDING SECTION 44-13-103, MCA." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Section 44-13-103, MCA, is amended to read: "44-13-103. Limitations on use of special law 11 12 enforcement assistance account. Money7 (1) After property7 and-proceeds-from-property is credited to the account may-be 13 14 used--only--for--the--following--types--of--activities, the 15 attorney general may: 16 (a) transfer the property to any local or state law 17 enforcement agency or other government entity to be used for 18 law enforcement purposes; 19 (b) sell the property by public sale; 20 (c) destroy any illegal or controlled substances and 21 sell or destroy raw materials, products, and equipment used or intended for use in manufacturing, compounding, or 22 23 processing a controlled substance; 24 (d) compromise and pay claims against the property; 25 and

Montana Legislative Council

•	(a) make any attack dispersition of the associate
1	(e) make any other disposition of the property
2	authorized by law.
3	(2) Money and proceeds from property credited to the
4	account may be used by the attorney general for:
5	(a) the payment of any expenses necessary to seize,
6	detain, appraise, inventory, safeguard, maintain, advertise,
7	or sell seized, detained, or forfeited property, including
8	but not limited to payment for contract services and
9	reimbursement to a federal, state, or local agency for its
10	expenses;
11	(b) the payment of awards for information or
12	assistance leading to a criminal proceeding or a civil
13	forfeiture proceeding;
14	(c) the compromise and payment of claims against
15	property;
16	(d) the payment of sums for law enforcement purposes,
17	including but not limited to:
18	<pre>ti>(i) payment of informants;</pre>
19	(2)(ii) use by undercover agents to purchase unlawful
20	substances, including, without limitation, counterfeit or
21	real controlled substances, pornographic materials, stolen
22	property, or other contraband;
23	(3)(iii) use by undercover agents as gambling front
24	money by-undercover-agents; and
25	<pre>f4;(iv) payment of overtime to state or local law</pre>
	-2- INTRODUCED BILL

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enforcement officers in special 1 when engaged 2 investigations; (e) the payment of funds into the account created by 3 4 53-9-109; and 5 (f) matching federal grants for law enforcement 6 purposes. 7 (3) The attorney general shall give the legislature, not later than 4 months after the end of each fiscal year, a в 9 detailed written report of the amounts and property credited to the account and of the disposition of money and property 10 credited to the account, but may not make any disclosure 11 that would compromise any investigation or prosecution." 12 -End-

50th Legislature

SB 0128/02

APPROVED BY COMM. ON FINANCE AND CLAIMS

	CONTRA DIST. NO. 100	1	(e) make any other disposition of the property
1	SENATE BILL NO. 128	2	authorized by law.
2	INTRODUCED BY GAGE	3	(2) Money and proceeds from property credited to the
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE		
4		4	account may be used by the attorney general for:
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE USES OF	5	(a) the payment of any expenses necessary to seize,
6	MONEY AND PROPERTY CREDITED TO THE SPECIAL LAW ENFORCEMENT	6	detain, appraise, inventory, safeguard, maintain, advertise,
7	ASSISTANCE ACCOUNT; AND AMENDING SECTION 44-13-103, MCA."	7	or sell seized, detained, or forfeited property, including
8	ASSISTANCE ACCOUNT, AND MEMBING DEFINE THE TOP, NEW	8	but not limited to payment for contract services and
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	reimbursement to a federal, state, or local agency for its
10	Section 1. Section 44-13-103, MCA, is amended to read:	10	expenses;
		11	(b) the payment of awards for information or
11		12	assistance leading to a criminal proceeding or a civil
12	enforcement assistance account. Money, (1) After property,	13	forfeiture proceeding;
13	and-proceeds-from-property is credited to the account may-be		
14	usedonlyforthefollowingtypesofactivities, the	14	(c) the compromise and payment of claims against
15	attorney general may:	15	property;
16	(a) transfer the property to any local or state law	16	(d) the payment of sums for law-enforcement CRIMINAL
17	enforcement agency or-other-government-entity to be used for	17	INVESTIGATION purposes, including but not limited to:
18	taw-enforcement CRIMINAL INVESTIGATION purposes;	18	<pre>fl) payment of informants;</pre>
19	(b) sell the property by public sale;	19	<pre>(2)(ii) use by undercover agents to purchase unlawful</pre>
		20	substances, including, without limitation, counterfeit or
20	(c) destroy any illegal or controlled substances and	21	real controlled substances, pornographic materials, stolen
21	sell or destroy raw materials, products, and equipment used	22	property, or other contraband;
22	or intended for use in manufacturing, compounding, or		
23	processing a controlled substance;	23	<pre>(3)(iii) use by undercover agents as gambling front</pre>
24	(d) compromise and pay claims against the property;	24	money by-undercover-agents; and
25	and	25	<pre>f4;(iv) payment of overtime to state or local law</pre>

law. ey and proceeds from property credited to the e used by the attorney general for: payment of any expenses necessary to seize, ise, inventory, safeguard, maintain, advertise, zed, detained, or forfeited property, including lited to payment for contract services and to a federal, state, or local agency for its payment of awards for information or eading to a criminal proceeding or a civil oceeding; compromise and payment of claims against

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SB 128 SECOND READING



SB 128

1	enforcement officers when engaged in special CRIMINAL
2	investigations=:
3	(e) the payment of funds into the account created by
4	53-9-109; and
5	(f) matching federal grants for lawenforcement
6	CRIMINAL INVESTIGATION purposes.
7	(3) The attorney general shall give the legislature,
8	not later than 4 months after the end of each fiscal year, a
9	detailed written report of the amounts and property credited
10	to the account and of the disposition of money and property
11	credited to the account, but may not make any disclosure
12	that would compromise any investigation or prosecution."

-End-

SB 0128/02

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		1 (e) make any other disposition of the property
1	SENATE BILL NO. 128	2 authorized by law.
2	INTRODUCED BY GAGE	3 (2) Money and proceeds from property credited to the
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE	4 account may be used by the attorney general for:
4		5 (a) the payment of any expenses necessary to seize,
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE USES OF	6 detain, appraise, inventory, safeguard, maintain, advertise,
6	MONEY AND PROPERTY CREDITED TO THE SPECIAL LAW ENFORCEMENT	7 or sell seized, detained, or forfeited property, including
7	ASSISTANCE ACCOUNT; AND AMENDING SECTION 44-13-103, MCA."	
8		
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9 reimbursement to a federal, state, or local agency for its
10	Section 1. Section 44-13-103, MCA, is amended to read:	10 <u>expenses;</u>
11	"44-13-103. Limitations on use of special law	11 (b) the payment of awards for information or
12	enforcement assistance account. Money, (1) After property,	12 assistance leading to a criminal proceeding or a civil
13	and-proceeds-from-property is credited to the account may-be	13 forfeiture proceeding;
14	usedonlyforthefollowingtypesofactivities, the	14 (c) the compromise and payment of claims against
15	attorney general may:	15 property;
16	(a) transfer the property to any local or state law	16 (d) the payment of sums for tew-enforcement CRIMINAL
17	enforcement agency or-other-government-entity to be used for	17 INVESTIGATION purposes, including but not limited to:
18	law-enforcement CRIMINAL INVESTIGATION purposes;	<pre>18 (1)(i) payment of informants;</pre>
19	(b) sell the property by public sale;	19 (ii) use by undercover agents to purchase unlawful
20	(c) destroy any illegal or controlled substances and	20 substances, including, without limitation, counterfeit or
21	sell or destroy raw materials, products, and equipment used	21 real controlled substances, pornographic materials, stolen
22	or intended for use in manufacturing, compounding, or	22 property, or other contraband;
	processing a controlled substance;	23 (iii) use by undercover agents as gambling front
23		24 money by-undercover-agents; and
24	(d) compromise and pay claims against the property;	25 (4)(iv) payment of overtime to state or local law
25	and	
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THIRD READING

SB 0128/02

SB 128

enforcement officers when engaged in special CRIMINAL 1 2 investigations;; 3 (e) the payment of funds into the account created by 53-9-109; and 4 (f) matching federal grants for law--enforcement 5 CRIMINAL INVESTIGATION purposes. 6 7 (3) The attorney general shall give the legislature, 8 not later than 4 months after the end of each fiscal year, a 9 detailed written report of the amounts and property credited 10 to the account and of the disposition of money and property 11 credited to the account, but may not make any disclosure that would compromise any investigation or prosecution." 12

-End-

50th Legislature

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SB 0128/02

1	SENATE BILL NO. 128
2	INTRODUCED BY GAGE
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE USES OF
6	MONEY AND PROPERTY CREDITED TO THE SPECIAL LAW ENFORCEMENT
7	ASSISTANCE ACCOUNT; AND AMENDING SECTION 44-13-103, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 44-13-103, MCA, is amended to read:
11	"44-13-103. Limitations on use of special law
12	enforcement assistance account. Money, (1) After property,
13	and-proceeds-from-property is credited to the account may-be
14	usedonlyforthefollowingtypesofactivities, the
15	attorney general may:
16	(a) transfer the property to any local or state law
17	enforcement agency or-other-government-entity to be used for
18	taw-enforcement CRIMINAL INVESTIGATION purposes;
19	(b) sell the property by public sale;
20	(c) destroy any illegal or controlled substances and
21	sell or destroy raw materials, products, and equipment used
22	or intended for use in manufacturing, compounding, or
23	processing a controlled substance;
24	(d) compromise and pay claims against the property;
25	and

1	(e) make any other disposition of the property
2	authorized by law.
3	(2) Money and proceeds from property credited to the
4	account may be used by the attorney general for:
5	(a) the payment of any expenses necessary to seize,
6	detain, appraise, inventory, safeguard, maintain, advertise,
7	or sell seized, detained, or forfeited property, including
8	but not limited to payment, for contract services and
9	reimbursement to a federal, state, or local agency for its
10	expenses;
11	(b) the payment of awards for information or
12	assistance leading to a criminal proceeding or a civil
13	forfeiture_proceeding;
14	(c) the compromise and payment of claims against
15	property;
16	(d) the payment of sums for taw-enforcement CRIMINAL
17	INVESTIGATION purposes, including but not limited to:
18	<pre>fl;(i) payment of informants;</pre>
19	<pre>f2;(ii) use by undercover agents to purchase unlawful</pre>
20	substances, including, without limitation, counterfeit or
21	real controlled substances, pornographic materials, stolen
22	property, or other contraband;
23	<pre>f3;(iii) use by undercover agents as gambling front</pre>
24	money by-undercover-agents; and
25	(4)(<u>iv)</u> payment of overtime to state or local law
	-2- SB 128



SB 128 REFERENCE BILL

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1	enforcement officers when engaged in special CRIMINAL
2	investigations- <u>;</u>
3	(e) the payment of funds into the account created by
4	53-9-109; and
5	(f) matching federal grants for lawenforcement
6	CRIMINAL INVESTIGATION purposes.
7	(3) The attorney general shall give the legislature,
8	not later than 4 months after the end of each fiscal year, a
9	detailed written report of the amounts and property credited
10	to the account and of the disposition of money and property
11	credited to the account, but may not make any disclosure
12	that would compromise any investigation or prosecution."
	-End-

SB 128