

HOUSE BILL 416

Introduced by Strizich, et al.

2/01	Introduced
2/01	Referred to Judiciary
2/01	First Reading
2/01	Fiscal Note Requested
2/06	Fiscal Note Received
2/09	Fiscal Note Printed
2/10	Hearing
2/13	Tabled in Committee
2/18	Committee Report--Bill Passed as Amended
2/20	2nd Reading Passed
2/23	3rd Reading Passed
	Transmitted to Senate
3/01	First Reading
3/01	Referred to Judiciary
3/16	Hearing
3/30	Committee Report--Bill Concurred as Amended
3/31	2nd Reading Concurred as Amended
4/01	3rd Reading Concurred
	Returned to House with Amendments
4/07	2nd Reading Amendments Not Concurred
4/07	Motion Failed to Segregate from Committee of the Whole Report
4/12	Conference Committee Appointed
	Senate
4/16	Conference Committee Appointed Died in Process

1
2 INTRODUCED BY *House Bill NO. 416*
3 *James Hayden Carter Roney John Kelly Dave Bran*
4 A BILL FOR AN ACT ENTITLED: *AN ACT REQUIRING THE REPORTING*
5 *OF CRIMES DIRECTED AGAINST INDIVIDUALS OR GROUPS BECAUSE OF*
6 *THEIR ACTUAL OR PERCEIVED RACE, CREED, RELIGION, COLOR,*
7 *NATIONAL ORIGIN, SEXUAL ORIENTATION, OR INVOLVEMENT IN CIVIL*
8 *RIGHTS OR HUMAN RIGHTS ACTIVITIES; AND REQUIRING TRAINING OF*
9 *POLICE OFFICERS AND PROSECUTING ATTORNEYS IN INVESTIGATING,*
10 *IDENTIFYING, RESPONDING TO, AND REPORTING SUCH CRIMES."*

11 12 STATEMENT OF INTENT

13 A statement of intent is required for this bill because
14 [section 1] requires the board of crime control to adopt
15 rules establishing a procedure for local law enforcement
16 agencies to monitor, record, classify, and analyze
17 information relating to hate crimes. It is the intent of the
18 legislature that the rules establish a procedure that will
19 allow the development of accurate, comprehensive, and
20 comparative data concerning the number, location, and types
21 of hate crimes that is essential to combatting the crimes.
22 Further, it is the intent of the legislature that the board
23 of crime control cooperate with the law enforcement office
24 of each tribal government in the state in an effort to
25 coordinate the reporting of hate crimes.

1
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
3
4 NEW SECTION. Section 1. Hate crimes -- reporting
5 requirements -- central repository -- rules. The board of
6 crime control shall establish and maintain a central
7 repository for the collection and analysis of information
8 regarding crimes that are apparently directed against
9 individuals or groups or their property because of their
10 actual or perceived race, creed, religion, color, national
11 origin, sexual orientation, or involvement in civil rights
12 or human rights activities. The board shall adopt rules
13 establishing a procedure for local law enforcement agencies
14 to monitor, record, classify, and analyze information
15 relating to the crimes.
16
17 NEW SECTION. Section 2. Local law enforcement agencies
18 -- annual report. All local law enforcement agencies shall
19 report to the board of crime control concerning the offenses
20 referred to in [section 1] in the form and in the manner
21 required by rules adopted by the board. The board shall
22 summarize and analyze the information received and submit it
23 in a public, annual report to the governor. The report must
24 be prepared in a manner that does not divulge confidential
25 criminal justice information.
26
27 NEW SECTION. Section 3. Use and dissemination of
28 information. Except as provided in [section 2], any

1 information collected under [sections 1 and 2] may be
2 disseminated only as provided in Title 44, chapter 5, part
3 3.

4 NEW SECTION. **Section 4. Hate crimes -- prosecutor and**
5 **police officer training.** The department of justice shall
6 design and offer education and training to law enforcement
7 officers and prosecuting attorneys in investigating,
8 identifying, responding to, and reporting public offenses
9 based on a person's actual or perceived race, creed,
10 religion, color, national origin, sexual orientation, or
11 involvement in civil rights or human rights activities. The
12 department shall consult with the human rights commission
13 and other human rights organizations regarding the content
14 and provision of the education and training and shall
15 provide education and training in its regular curriculum.

16 NEW SECTION. **Section 5. Codification instruction.**
17 [Sections 1 through 4] are intended to be codified as an
18 integral part of Title 44, chapter 4, and the provisions of
19 Title 44, chapter 4, apply to [sections 1 through 4].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0416, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill requiring the reporting of crimes directed against individuals or groups because of their actual or perceived race, creed, religion, color, national origin, sexual orientation, or involvement in civil rights or human rights activities, and requiring training of police officers and prosecuting attorneys in investigating, identifying, responding to and reporting such crimes.

ASSUMPTIONS:

1. There are approximately 130 law enforcement agencies that would be affected by this legislation and 80% of these 130 law enforcement agencies currently participate in Montana Uniform Crime Reporting (MUCRS).
2. The executive budget for the MUCRS in the Crime Control Division will be adopted as recommended.
3. Personnel and travel costs can be absorbed within the executive budget for MUCRS in the Crime Control Division.
4. Training can be provided within existing budget resources based on the following: (a) training for police officers will be provided in a two hour session included within the basic curriculum; and (b) training for prosecuting attorneys will be provided at their annual conference and paid for by association dues.
5. Contracted services will increase by \$3,040 in FY94 to reprogram the system, print training documents, etc. and ongoing costs beginning in FY95 will be about \$435 per year.

FISCAL IMPACT:

Crime Control Division:

	FY '94			FY '95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	18.00	18.00	0.00	18.00	18.00	0.00
Personal Services	581,042	581,042	0	582,908	582,908	0
Operating Expenses	184,887	187,927	3,040	187,848	188,283	435
Equipment	9,023	9,023	0	7,066	7,066	0
Grants	3,210,244	3,210,244	0	3,210,244	3,210,244	0
Benefits and Claims	590,000	590,000	0	590,000	590,000	0
Total	4,575,196	4,578,236	3,040	4,578,066	4,578,501	435
<u>Funding:</u>						
General Fund	475,970	479,010	3,040	478,901	479,336	435
State Special Revenue	573,923	573,923	0	573,863	573,863	0
Federal Special Revenue	3,525,303	3,525,303	0	3,525,302	3,525,302	0
Total	4,575,196	4,578,236	3,040	4,578,066	4,578,501	435

Net General Fund Impact

3,040

435

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Minimal.

David Lewis 2-5-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

2-9-93
 WILLIAM "BILL" STRIZICH, PRIMARY SPONSOR DATE
 Fiscal Note for HB0416, as introduced

HB 416

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 416

INTRODUCED BY STRIZICH, RUSSELL, COCCHIARELLA, FRANKLIN
TUSS, HARPER, BARTLETT, RANEY, SCHYE, HALLIGAN, D. BROWN,
BROOKE, MCCULLOCH, GERVAIS, BLAYLOCK, DOHERTY, ELLIOTT,
FAGG, RYE, TOOLE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE REPORTING
OF CRIMES DIRECTED AGAINST INDIVIDUALS OR GROUPS BECAUSE OF
THEIR ~~ACTUAL--OR--PERCEIVED~~ RACE, CREED, RELIGION, COLOR,
NATIONAL ORIGIN, ~~SEXUAL-ORIENTATION~~, OR INVOLVEMENT IN CIVIL
RIGHTS OR HUMAN RIGHTS ACTIVITIES; AND REQUIRING TRAINING OF
POLICE OFFICERS AND PROSECUTING ATTORNEYS IN INVESTIGATING,
IDENTIFYING, RESPONDING TO, AND REPORTING SUCH CRIMES."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 1] requires the board of crime control to adopt
rules establishing a procedure for local law enforcement
agencies to monitor, record, classify, and analyze
information relating to hate crimes. It is the intent of the
legislature that the rules establish a procedure that will
allow the development of accurate, comprehensive, and
comparative data concerning the number, location, and types
of hate crimes that is essential to combatting the crimes.
Further, it is the intent of the legislature that the board

of crime control ~~cooperate-with~~ SEEK THE COOPERATION OF the
law enforcement office of each tribal government in the
state in an effort to coordinate the reporting of hate
crimes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Hate crimes -- reporting
requirements -- central repository -- rules. The board of
crime control shall establish and maintain a central
repository for the collection and analysis of STATISTICAL
information regarding crimes that ~~are--apparently~~ MANIFEST
EVIDENCE OF HAVING BEEN directed against individuals or
groups or their property because of their ~~actual---~~ or
~~perceived~~ race, creed, religion, color, national origin,
~~sexual-orientation~~, or involvement in civil rights or human
rights activities. The board shall adopt rules establishing
a procedure for local law enforcement agencies to monitor,
record, classify, and analyze information relating to the
crimes.

NEW SECTION. Section 2. Local law enforcement agencies
-- annual report. All local law enforcement agencies shall
report to the board of crime control concerning the offenses
referred to in [section 1] in the form and in the manner
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summarize and analyze the information received and submit it

1 in a public, annual report to the governor. The report must
 2 be prepared in a manner that does not divulge confidential
 3 criminal justice information.

4 ~~NEW SECTION. Section 3. Use and dissemination of~~
 5 ~~information. Except as provided in {section 2}, any~~
 6 ~~information collected under {sections 1 and 2} may be~~
 7 ~~disseminated only as provided in Title 44, chapter 5, part~~
 8 ~~3.~~

9 NEW SECTION. Section 3. Hate crimes -- prosecutor and
 10 police officer training. The department of justice shall
 11 design and offer education and training to law enforcement
 12 officers and prosecuting attorneys in investigating,
 13 identifying, responding to, and reporting public offenses
 14 based on a person's actual--or--perceived race, creed,
 15 religion, color, national origin, sexual-orientation, or
 16 involvement in civil rights or human rights activities. The
 17 department--shall--consult--with--the--human--rights--commission
 18 and--other--human--rights--organisations--regarding--the--content
 19 and--provision--of--the--education--and--training--and--shall
 20 provide--education--and--training--in--its--regular--curriculum.

21 NEW SECTION. Section 4. Codification instruction.
 22 [Sections 1 through 4 3] are intended to be codified as an
 23 integral part of Title 44, chapter 4, and the provisions of
 24 Title 44, chapter 4, apply to [sections 1 through 4 3].

-End-

HOUSE BILL NO. 416

INTRODUCED BY STRIZICH, RUSSELL, COCCHIARELLA, FRANKLIN
TUSS, HARPER, BARTLETT, RANEY, SCHYE, HALLIGAN, D. BROWN,
BROOKE, MCCULLOCH, GERVAIS, BLAYLOCK, DOHERTY, ELLIOTT,
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NATIONAL ORIGIN, ~~SEXUAL-ORIENTATION~~, OR INVOLVEMENT IN CIVIL
RIGHTS OR HUMAN RIGHTS ACTIVITIES; AND REQUIRING TRAINING OF
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perceived race, creed, religion, color, national origin,
~~sexual-orientation~~, or involvement in civil rights or human
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1 in a public, annual report to the governor. The report must
 2 be prepared in a manner that does not divulge confidential
 3 criminal justice information.

4 ~~NEW SECTION. Section 3. Use and dissemination of~~
 5 ~~information. Except as provided in {section 2}, any~~
 6 ~~information collected under {sections 1 and 2} may be~~
 7 ~~disseminated only as provided in Title 44, chapter 5, part~~
 8 ~~3.~~

9 NEW SECTION. Section 3. Hate crimes -- prosecutor and
 10 police officer training. The department of justice shall
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 14 based on a person's actual--or--perceived race, creed,
 15 religion, color, national origin, sexual-orientation, or
 16 involvement in civil rights or human rights activities. The
 17 department--shall--consult--with--the--human--rights--commission
 18 and--other--human--rights--organizations--regarding--the--content
 19 and--provision--of--the--education--and--training--and--shall
 20 provide--education--and--training--in--its--regular--curriculum.

21 NEW SECTION. Section 4. Codification instruction.
 22 [Sections 1 through 4 3] are intended to be codified as an
 23 integral part of Title 44, chapter 4, and the provisions of
 24 Title 44, chapter 4, apply to [sections 1 through 4 3].

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 28, 1993

Page 2 of 2
March 28, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 416 (third reading copy -- blue), respectfully report that House Bill No. 416 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 9.

Following: "~~PERCEIVED~~"

Insert: "ACTUAL OR PERCEIVED"

2. Title, line 10.

Following: "~~ORIENTATION,~~"

Strike: "OR"

Insert: "SEXUAL ORIENTATION,"

3. Title, line 11.

Following: "ACTIVITIES"

Insert: ", OR INVOLVEMENT IN OTHER IDENTIFIABLE GROUPS OR GROUP ACTIVITIES"

4. Page 1, line 24.

Following: "crimes."

Insert: "Further, it is the intent of the legislature that the board develop safeguards in the procedure that will ensure that any crime reported as a hate crime under [this act] is verified to be a hate crime before it is reported as one."

5. Page 2, line 8.

Following: "rules."

Insert: "(1)"

6. Page 2, line 14.

Following: "~~perceived~~"

Insert: "actual or perceived"

7. Page 2, line 15.

Following: "~~orientation,~~"

Strike: "or"

Insert: "sexual orientation,"

8. Page 2, line 16.

Following: "activities"

Insert: ", or involvement in other identifiable groups or group activities"

9. Page 2, line 20.

Following: line 19

Insert: "(2) [Sections 2 and 3] and this section may not be used as a basis for a cause of action based on discrimination against or conduct toward an individual or group because of their actual or perceived race, creed, religion, color, national origin, sexual orientation, involvement in civil rights or human rights activities, or involvement in other identifiable groups or group activities.
(3) As used in [sections 2 and 3] and this section, "sexual orientation" means and is limited to consensual heterosexuality, consensual homosexuality, and consensual bisexuality."

10. Page 3, line 14.

Following: "~~perceived~~"

Insert: "actual or perceived"

11. Page 3, line 15.

Following: "~~orientation,~~"

Strike: "or"

Insert: "sexual orientation,"

12. Page 3, line 16.

Following: "activities"

Insert: ", or involvement in other identifiable groups or group activities"

13. Page 3, line 20.

Following: "~~curriculum.~~"

Insert: "The department shall provide education and training in its regular curriculum."

-END-

M Amd. Coord.
N Sec. of Senate

Franklin
Senator Carrying Bill

691657SC.Sma

SENATE

HB 416

691657SC.Sma

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 31, 1993 10:20 am

Mr. Chairman: I move to amend House Bill No. 416 (third reading copy -- blue).

ADOPT

REJECT

Signed: Sue Bartlett
Senator Sue Bartlett

That such amendments read:

Amend Senate Committee on Judiciary amendment dated March 28, 1993, as follows:

Strike: Amendment No. 4 in its entirety

Insert: new Amendment No. 4 as follows:

4. Page 1, line 24.

Following: "crimes."

Insert: "Further, it is the intent of the legislature that before a crime is reported as a hate crime under [this act], the board develop safeguards to ensure that the crime is verified to be a hate crime by establishing criteria to be used to determine if the crime had a bias motivation. It is also the intent of the legislature that, as needed, the board identify and include in the reporting required by [this act] groups not specified in [this act] that are or may become the target of hate crimes."

-END-

SENATE

HB 416

HOUSE BILL NO. 416

INTRODUCED BY STRIZICH, RUSSELL, COCCHIARELLA, FRANKLIN,
TUSS, HARPER, BARTLETT, RANEY, SCHYE, HALLIGAN, D. BROWN,
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THEIR ~~ACTUAL--OR-PERCEIVED~~ ACTUAL OR PERCEIVED RACE, CREED,
RELIGION, COLOR, NATIONAL ORIGIN, ~~SEXUAL--ORIENTATION,~~ OR
SEXUAL ORIENTATION, INVOLVEMENT IN CIVIL RIGHTS OR HUMAN
RIGHTS ACTIVITIES, OR INVOLVEMENT IN OTHER IDENTIFIABLE
GROUPS OR GROUP ACTIVITIES; AND REQUIRING TRAINING OF POLICE
OFFICERS AND PROSECUTING ATTORNEYS IN INVESTIGATING,
IDENTIFYING, RESPONDING TO, AND REPORTING SUCH CRIMES."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 1] requires the board of crime control to adopt
rules establishing a procedure for local law enforcement
agencies to monitor, record, classify, and analyze
information relating to hate crimes. It is the intent of the
legislature that the rules establish a procedure that will
allow the development of accurate, comprehensive, and
comparative data concerning the number, location, and types

of hate crimes that is essential to combatting the crimes.
~~FURTHER, IT IS THE INTENT OF THE LEGISLATURE THAT THE BOARD
DEVELOP SAFEGUARDS IN THE PROCEDURE THAT WILL ENSURE THAT
ANY CRIME REPORTED AS A HATE CRIME UNDER [THIS ACT] IS
VERIFIED TO BE A HATE CRIME BEFORE IT IS REPORTED AS ONE.~~
FURTHER, IT IS THE INTENT OF THE LEGISLATURE THAT BEFORE A
CRIME IS REPORTED AS A HATE CRIME UNDER [THIS ACT], THE
BOARD DEVELOP SAFEGUARDS TO ENSURE THAT THE CRIME IS
VERIFIED TO BE A HATE CRIME BY ESTABLISHING CRITERIA TO BE
USED TO DETERMINE IF THE CRIME HAD A BIAS MOTIVATION. IT IS
ALSO THE INTENT OF THE LEGISLATURE THAT, AS NEEDED, THE
BOARD IDENTIFY AND INCLUDE IN THE REPORTING REQUIRED BY
[THIS ACT] GROUPS NOT SPECIFIED IN [THIS ACT] THAT ARE OR
MAY BECOME THE TARGET OF HATE CRIMES. Further, it is the
intent of the legislature that the board of crime control
cooperate--with SEEK THE COOPERATION OF the law enforcement
office of each tribal government in the state in an effort
to coordinate the reporting of hate crimes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Hate crimes -- reporting
requirements -- central repository -- rules. (1) The board
of crime control shall establish and maintain a central
repository for the collection and analysis of STATISTICAL
information regarding crimes that are--apparently MANIFEST

EVIDENCE OF HAVING BEEN directed against individuals or groups or their property because of their ~~actual~~ or ~~perceived~~ ACTUAL OR PERCEIVED race, creed, religion, color, national origin, ~~sexual-orientation~~, or SEXUAL ORIENTATION, involvement in civil rights or human rights activities, OR INVOLVEMENT IN OTHER IDENTIFIABLE GROUPS OR GROUP ACTIVITIES. The board shall adopt rules establishing a procedure for local law enforcement agencies to monitor, record, classify, and analyze information relating to the crimes.

(2) [SECTIONS 2 AND 3] AND THIS SECTION MAY NOT BE USED AS A BASIS FOR A CAUSE OF ACTION BASED ON DISCRIMINATION AGAINST OR CONDUCT TOWARD AN INDIVIDUAL OR GROUP BECAUSE OF THEIR ACTUAL OR PERCEIVED RACE, CREED, RELIGION, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, INVOLVEMENT IN CIVIL RIGHTS OR HUMAN RIGHTS ACTIVITIES, OR INVOLVEMENT IN OTHER IDENTIFIABLE GROUPS OR GROUP ACTIVITIES.

(3) AS USED IN [SECTIONS 2 AND 3] AND THIS SECTION, "SEXUAL ORIENTATION" MEANS AND IS LIMITED TO CONSENSUAL HETEROSEXUALITY, CONSENSUAL HOMOSEXUALITY, AND CONSENSUAL BISEXUALITY.

NEW SECTION. Section 2. Local law enforcement agencies -- annual report. All local law enforcement agencies shall report to the board of crime control concerning the offenses referred to in [section 1] in the form and in the manner

required by rules adopted by the board. The board shall summarize and analyze the information received and submit it in a public, annual report to the governor. The report must be prepared in a manner that does not divulge confidential criminal justice information.

~~NEW-SECTION:--Section-3:--Use---and---dissemination---of information:--Except---as---provided---in---{section--2}---any information-collected---under---{sections--1--and--2}---may--be disseminated---only---as-provided-in-Title-44, chapter-57-part 3.~~

NEW SECTION. Section 3. Hate crimes -- prosecutor and police officer training. The department of justice shall design and offer education and training to law enforcement officers and prosecuting attorneys in investigating, identifying, responding to, and reporting public offenses based on a person's ~~actual-or-perceived~~ ACTUAL OR PERCEIVED race, creed, religion, color, national origin, ~~sexual orientation~~, or SEXUAL ORIENTATION, involvement in civil rights or human rights activities, OR INVOLVEMENT IN OTHER IDENTIFIABLE GROUPS OR GROUP ACTIVITIES. ~~The-department shall-consult-with-the-human-rights-commission--and--other human---rights---organizations--regarding--the--content--and provision-of-the-education-and-training--and--shall--provide education--and--training--in--its--regular--curriculum.~~ THE DEPARTMENT SHALL PROVIDE EDUCATION AND TRAINING IN ITS

1 REGULAR CURRICULUM.

2 NEW SECTION. **Section 4.** Codification instruction.

3 [Sections 1 through 4 3] are intended to be codified as an
4 integral part of Title 44, chapter 4, and the provisions of
5 Title 44, chapter 4, apply to [sections 1 through 4 3].

-End-