

House BILL NO. 226

INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE DEPARTMENT OF CORRECTIONS AND HUMAN  
6 SERVICES AUTHORITY TO RETAIN AND SPEND MONEY FORFEITED UNDER FEDERAL LAW FOR  
7 CRIMINAL JUSTICE PURPOSES; AMENDING SECTION 44-13-102, MCA; AND PROVIDING AN EFFECTIVE  
8 DATE."

9

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

11

12        NEW SECTION. **Section 1. Federal forfeiture funds -- use.** (1) There is a department of  
13        corrections and human services account in the federal special revenue fund. Money forfeited under federal  
14        law and provided to the department of corrections and human services may be deposited in the account.

15 (2) Money in the account may be used for training probation and parole officers, for the purchase  
16 of equipment for probation and parole officers, or for other criminal justice purposes upon appropriation by  
17 the legislature.

18

19           **Section 2.** Section 44-13-102, MCA, is amended to read:

20       "44-13-102. **Federal forfeitures deposited in account. Property** Except as provided in [section 1],  
21       property and money forfeited under federal law and provided to the state by the federal government to  
22       support state and local law enforcement programs must be deposited to the special law enforcement  
23       assistance account established in 44-13-101. An amount up to \$125,000 each fiscal year is statutorily  
24       appropriated, as provided in 17-7-502, to the attorney general for the support of state and local law  
25       enforcement programs. Any expenditure in excess of \$125,000 each fiscal year requires approval through  
26       budget amendment, as provided in Title 17, chapter 7, part 4."

27

28        **NEW SECTION.** **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
29        integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to  
30        [section 1].



1

**NEW SECTION.** **Section 4. Effective date.** [This act] is effective July 1, 1995.

2

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0226, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill granting the Department of Corrections and Human Services authority to retain and spend money forfeited under federal law for criminal justice purposes.

ASSUMPTIONS:

1. There is a Department of Corrections and Human Services (DCHS) account in the federal special revenue fund for monies forfeited under federal law and provided to DCHS.
2. Money in this account may be used for training and equipment for probation and parole officers or for other criminal justice purposes upon appropriation by the legislature.
3. DCHS will receive monies into this new account directly from the federal government.
4. The size and frequency of these federal forfeitures are impossible to predict, thus total realized by DCHS cannot be determined.
5. DCHS will use the budget amendment process to obtain spending authority for any monies received during the 1997 biennium and use 1997 biennium history to budget for the 1999 biennium.
6. Department of Justice also receives and is authorized to spend federal forfeiture funds, however, are not impacted by this bill.

FISCAL IMPACT:

Revenues:

DCHS expects to receive federal special revenues from this bill however it is impossible to estimate amount.

 1-21-95  
DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

  
STEVE VICK, PRIMARY SPONSOR DATE

Fiscal Note for HB0226, as introduced  
**HB 226**

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15 IN THE FEDERAL SPECIAL REVENUE FUND.

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16 (2) Money FROM FEDERAL FORFEITURE FUNDS DEPOSITED in the account may be used for  
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