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House JOINT RESOLUTION NO. 23

INTRODUCED BY Curry

BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE
introduced

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING FEDERAL LAW ENFORCEMENT OFFICERS TO MORE FULLY COOPERATE WITH COUNTY SHERIFFS.

WHEREAS, Montana is one of the several sovereign states that together form the United States of America; and

WHEREAS, the several states banded together under the United States Constitution to form the federal government and empowered it to serve the states in certain, limited ways; and

WHEREAS, since its inception, the federal government has assumed increasingly greater powers over the affairs of, and within, the states; and

WHEREAS, as the Montana Attorney General has stated in an amicus brief in Printz v. United States, before the United States Supreme Court, the states are not intended to be "mere administrative subdivisions of the federal government contrary to the sovereign powers reserved to [the states] by the Tenth Amendment"; and

WHEREAS, the exercise of the power of the federal government to send federal law enforcement officers into this state for enforcement of the laws has been considerably expanded relatively recently; and

WHEREAS, there have been occasions when federal law enforcement officers have conducted significant law enforcement operations in Montana without the knowledge and participation of the elected County Sheriffs; and

WHEREAS, the regular involvement of the elected County Sheriffs in federal law enforcement operations will ensure local knowledge of conditions and personalities, ensure that federal law enforcement operations will be conducted so as to minimize alienation of the local public, enhance safety of law enforcement personnel, and ensure that instances of federal abuse of the rights of Montana citizens will be minimized.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE

1 STATE OF MONTANA:

2 (1) That federal law enforcement officers conducting or planning arrests, searches, and seizures
3 in Montana be requested to inform the County Sheriff of the county in which the operations are planned
4 at least 24 hours in advance of the operations.

5 (2) That federal law enforcement officers conducting or planning arrests, searches, and seizures
6 in Montana be requested to invite the County Sheriff or a representative of the County Sheriff of the county
7 in which the operations are planned or conducted to participate in the operation.

8 (3) That the Department of Justice, Division of Crime Control, be requested to keep an operations
9 log of federal arrests, searches, and seizures in Montana, including information from County Sheriffs about
10 the operations for which the County Sheriffs have been given advance knowledge and an invitation to
11 participate.

12 (4) That the Department of Justice, Division of Crime Control, be requested to deliver a copy of
13 the operations log for the past 24 months to the presiding officers of the House and Senate Judiciary
14 Committees at the beginning of each regular session of the Legislature.

15 (5) That the Secretary of State be requested to send a copy of this resolution to the U.S. Attorney
16 for Montana and to the directors of each federal law enforcement agency having jurisdiction in Montana,
17 including but not limited to the U.S. Department of Justice; Federal Bureau of Investigation; Drug
18 Enforcement Administration; U.S. Secret Service; U.S. Marshals Service; U.S. Fish and Wildlife Service;
19 Bureau of Alcohol, Tobacco, and Firearms; U.S. Forest Service; Bureau of Land Management; Bureau of
20 Indian Affairs; U.S. Customs Service; Immigration and Naturalization Service; U.S. Postal Inspection
21 Service; Defense Investigation Service; Department of Energy Inspector General; Department of Education
22 Inspector General; Federal Protective Service; General Services Administration Inspector General;
23 Department of Health and Human Services Inspector General; Department of Housing and Urban
24 Development Inspector General; Internal Revenue Service; Department of Labor Inspector General;
25 Department of Transportation Inspector General; and Veterans Affairs Security and Law Enforcement.

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-END-

1 HOUSE JOINT RESOLUTION NO. 28

2 INTRODUCED BY CURTISS, MCGEE, MOOD, WAGNER, ORR

3 BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

4
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14 over the affairs of, and within, the states; and

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16 States, before the United States Supreme Court, the states are not intended to be "mere administrative
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19 WHEREAS, the exercise of the power of the federal government to send federal law enforcement
20 officers into this state for enforcement of the laws has been considerably expanded relatively recently; and

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24 Development Inspector General; Internal Revenue Service; Department of Labor Inspector General;
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