

HOUSE BILL NO. 691

INTRODUCED BY B. MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE CRIMINAL JUSTICE DATA WAREHOUSE; PROVIDING LEGISLATIVE INTENT AND PURPOSE FOR THE CRIMINAL JUSTICE DATA WAREHOUSE; AND AMENDING SECTION 44-7-126, MCA."

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

Section 1. Section 44-7-126, MCA, is amended to read:

"44-7-126. Criminal justice data warehouse -- purpose. (1) (a) There is a criminal justice data warehouse housed in the board of crime control. The purpose of the criminal justice data warehouse is to receive, store, secure, and maintain data and information from contributing entities to facilitate analysis to assist state and local officials to make data-informed decisions about the criminal justice system.

(b) To fulfill this purpose, the legislature intends that the criminal justice data warehouse provide a complete and integrated criminal justice tracking and information database that will allow, among other things, the analysis of:

(i) the complete criminal history of all convictions and offenses committed by each offender convicted in the state;

(ii) the date and term of each sentence and if an offender was in custody or on probation at the time of the offense;

(iii) the length of time between a prior conviction and a successive crime for which an offender is convicted and sentenced;

(iv) the length of time between release from custody, probation, or parole to arrest for a new offense in any jurisdiction;

(v) programming an offender received while in custody of the department of corrections and which entity provided the programming;

(vi) for offenders who committed offenses that involved a dangerous drug as defined in 50-32-101,

1 which dangerous drug and how the dangerous drug was involved in the offense; and

2 (vii) how many defendants on pretrial release commit a new offense while on pretrial release and
3 the successive offense.

4 (2) (a) An agency and the court administrator shall contribute data and information to the criminal
5 justice data warehouse on request by the board as permitted by law. A local government entity, a
6 nongovernment entity, a tribal government, or a federal government entity may submit data and information to
7 the criminal justice data warehouse.

8 (b) A contributing entity retains ownership of the data it contributes to the criminal justice data
9 warehouse.

10 (3) As the administering agency of the criminal justice data warehouse, the board shall:

11 (a) adopt a memorandum of understanding with the department of administration for the provision
12 of any technical assistance or services required to establish and maintain the criminal justice data warehouse;

13 (b) work in conjunction with the department of administration to assure the confidentiality of all
14 records and data collected in the criminal justice data warehouse and to assure compliance with the applicable
15 state and federal laws governing the privacy of records, data, and personally identifiable information;

16 (c) consult and collaborate with the council to prioritize data to request from contributing entities,
17 data requests, and research using data from the criminal justice data warehouse;

18 (d) (i) identify and seek federal grant money that may be used for the purposes of establishing and
19 maintaining the criminal justice data warehouse and achieving priorities established in law;

20 (ii) prioritize distribution of funds received pursuant to subsection (3)(d)(i) to contributing entities;

21 (e) adopt a memorandum of understanding with each contributing entity. The memorandum of
22 understanding must describe the data and information being submitted and the schedule on which the data will
23 be submitted and identify the confidentiality of the information and any conditions or restrictions on the use of
24 the data or information; and

25 (f) grant the legislative fiscal analyst and the legislative services division director direct access to
26 the criminal justice data warehouse in a manner that complies with the regulations of the respective federal
27 programs.

28 (4) The board may:

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Drafter: Laura Sherley,

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1 (a) require an entity that contributes data or information to deliver the data or information in a
2 certain format and on schedules established for the criminal justice data warehouse;

(b) collaborate with the council and contributing entities to establish policies to address the creation of reports generated through the query of records and data in the criminal justice data warehouse. A nongovernment entity may only collaborate with respect to the data or information contributed by that nongovernment entity; and

7 (c) adopt a standard memorandum of understanding that state and local criminal justice entities
8 and the courts may use to govern data-sharing agreements."

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