1   HOUSE BILL NO. 890

2   INTRODUCED BY B. MERCER

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4   A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF JUSTICE, THE

5   DEPARTMENT OF CORRECTIONS, AND THE JUDICIAL BRANCH TO CONFER AND DETERMINE THE

6   BEST WAY TO PROVIDE CRIMINAL HISTORY INFORMATION TO THE CRIMINAL JUSTICE DATA

7   WAREHOUSE; PROVIDING THAT, IF A CONSENSUS IS NOT REACHED, THE DEPARTMENT OF

8   CORRECTIONS BE REQUIRED TO PROVIDE CRIMINAL HISTORY INFORMATION TO THE CRIMINAL

9   JUSTICE DATA WAREHOUSE; PROVIDING AN APPROPRIATION; AND AMENDING SECTION 44-7-126,

10   MCA."

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

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

15   **"44-7-126.   Criminal justice data warehouse.** (1) There is a criminal justice data warehouse housed

16   in the board of crime control. The purpose of the criminal justice data warehouse is to receive, store, secure,

17   and maintain data and information from contributing entities to assist state and local officials to make data-

18   informed decisions about the criminal justice system.

19   (2)   (a) An agency and the court administrator shall contribute data and information to the criminal

20   justice data warehouse on request by the board. A local government entity, a nongovernment entity, a tribal

21   government, or a federal government entity may submit data and information to the criminal justice data

22   warehouse.

23   (b)   A contributing entity retains ownership of the data it contributes to the criminal justice data

24   warehouse.

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

26   (a)   adopt a memorandum of understanding with the department of administration for the provision

27   of any technical assistance or services required to establish and maintain the criminal justice data warehouse;

28   (b)   work in conjunction with the department of administration to assure the confidentiality of all

1   records and data collected in the criminal justice data warehouse and to assure compliance with the applicable

2   state and federal laws governing the privacy of records, data, and personally identifiable information;

3   (c)   consult and collaborate with the council to prioritize data to request from contributing entities,

4   data requests, and research using data from the criminal justice data warehouse;

5   (d)   (i) identify and seek federal grant money that may be used for the purposes of establishing and

6   maintaining the criminal justice data warehouse and achieving priorities established in law;

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

8   (e)   adopt a memorandum of understanding with each contributing entity. The memorandum of

9   understanding must describe the data and information being submitted and the schedule on which the data will

10   be submitted and identify the confidentiality of the information and any conditions or restrictions on the use of

11   the data or information; and

12   (f)   grant the legislative fiscal analyst and the legislative services division director direct access to

13   the criminal justice data warehouse in a manner that complies with the regulations of the respective federal

14   programs.

15   (4)   The board may:

16   (a)   require an entity that contributes data or information to deliver the data or information in a

17   certain format and on schedules established for the criminal justice data warehouse;

18   (b)   collaborate with the council and contributing entities to establish policies to address the

19   creation of reports generated through the query of records and data in the criminal justice data warehouse. A

20   nongovernment entity may only collaborate with respect to the data or information contributed by that

21   nongovernment entity; and

22   (c)   adopt a standard memorandum of understanding that state and local criminal justice entities

23   and the courts may use to govern data-sharing agreements.

24   (5)   (a) On or before October 1, 2025, the department of justice, the department of corrections, and

25   the judicial branch shall confer and collaborate to determine the most efficient way to provide to the criminal

26   justice data warehouse the criminal history information of offenders convicted in district court in the past 5 fiscal

27   years and for all offenders convicted after [the effective date of this act].

28   (b)   The procedure must ensure that the name of each convicted offender is identifiable with the

1   criminal history information provided to the criminal justice data warehouse.

2   (c)   If the department of justice, the department of corrections, and the judicial branch are unable to

3   reach a consensus by October 1, 2025, then the department of corrections shall provide criminal history

4   information as described in subsections (5)(a) and (5)(b) to the criminal justice data warehouse."

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6   NEW SECTION. **Section 2.   Appropriation.** The following amounts are appropriated from the general

7   fund for the biennium beginning July 1, 2025, for the purposes of collaboration to determine the most efficient

8   way to provide the criminal history information of offenders convicted in district court to the criminal justice data

9   warehouse:

10   department of corrections $2,000

11   department of justice $2,000

12   judicial branch $2,000

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