

**Amendment - 1st Reading/2nd House-blue - Requested by: Bill Mercer - (S) Finance and Claims**

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0916.003.001

1 HOUSE BILL NO. 916  
2 INTRODUCED BY B. MERCER  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING PROVISIONS OF THE GENERAL  
5 APPROPRIATIONS ACT; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF  
6 CORRECTIONS; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF STATE PUBLIC  
7 DEFENDER; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE;  
8 PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR;  
9 PROVIDING FOR LEGISLATIVE INTENT; EXTENDING THE TERMINATION DATE OF PUBLIC SAFETY  
10 OFFICER STANDARDS AND TRAINING AND ITS REPORTING REQUIREMENTS; ~~EXPANDING ELIGIBLE~~  
11 ~~USES OF THE PETROLEUM TANK RELEASE CLEANUP FUND; ESTABLISHING REPORTING~~  
12 ~~REQUIREMENTS; AMENDING SECTION 75-11-313, MCA; AMENDING SECTION 23, CHAPTER 456, LAWS~~  
13 ~~OF 2019, AND SECTION 19, CHAPTER 566, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE AND~~  
14 ~~A TERMINATION DATE."~~

15  
16 WHEREAS, the 68th Legislature has funded new programs in Section D entities and enacted new  
17 statutes, both of which will impact governmental operations. The Legislature has an interest in monitoring the  
18 implementation of the programs and whether they are effective; and

19 WHEREAS, the work of the judicial branch, law enforcement, and justice budget committee in 2021  
20 and 2022 and the 68th Legislature has generated interest in a number of subjects that require ongoing data  
21 gathering and analysis to perform oversight regarding the administration of justice.

22  
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24  
25 NEW SECTION. **Section 1. Reporting requirement for agencies whose budgets are considered**  
26 **by subcommittee of committee on appropriations for judicial branch, law enforcement, and justice.** No  
27 later than September 1, 2023, each agency that reports to the judicial branch, law enforcement, and justice joint

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1            (B) REGARDING THE NUMBER OF APPOINTMENTS REPORTED PURSUANT TO SUBSECTION (A), THE NUMBER  
2 OF APPOINTMENTS MADE IN EACH COUNTY FOR CASES IN WHICH THE OFFENSE OR OFFENSES CHARGED ALLEGE  
3 VIOLATIONS OF LOCAL ORDINANCES AND NOT STATE STATUTES; AND

4            (C) REGARDING THE NUMBER OF APPOINTMENTS REPORTED PURSUANT TO SUBSECTION (A), THE COSTS  
5 INCURRED IN EACH COUNTY TO COMPENSATE CONTRACTORS.

6  
7            NEW SECTION. Section 4. Department of justice to report. (1) The department of justice shall  
8 undertake a thorough review of the reports generated pursuant to 41-3-210(3) and report to the law and justice  
9 interim committee and the judicial branch, law enforcement, and justice budget committee no later than January  
10 15, 2024, on the status of reporting by county attorneys and the review by the department of justice of the  
11 county attorney reports and overall assessment of the law enforcement and prosecutorial response to reports  
12 from mandatory reporters and law enforcement agencies.

13            (2) No later than September 1 in each year of the 2025 biennium, the department of justice shall  
14 report to the law and justice interim committee and the judicial branch, law enforcement, and justice budget  
15 committee on the number of human trafficking investigations initiated by the department of justice in the prior  
16 fiscal years and the number of prosecutions generated from the investigations. The report must also include  
17 information on the sentences imposed for convictions obtained as a result of these prosecutions, including the  
18 names of the defendants and the crimes for which convictions were obtained.

19            (3) By August 1, 2024, the department of justice shall provide a report to the judicial branch, law  
20 enforcement, and justice budget committee that documents the number of times the department division of  
21 criminal investigations investigation was asked to lead or participate in an investigation in the prior fiscal year  
22 but could not due to resource constraints. The report must provide the information by county.

23            (4) By August 1, 2024, the department of justice shall provide a report to the judicial branch, law  
24 enforcement, and justice budget committee documenting the number of times the prosecution services bureau  
25 was asked to lead or participate in a prosecution in the prior fiscal year but could not due to resource constraint.  
26 The report must provide the information by county.

27            (5) By August 1, 2024, the department of justice shall provide a report to the judicial branch, law

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1 enforcement, and justice budget committee documenting the number of investigations by the division of criminal  
2 ~~investigations~~ investigation referred to federal prosecutors in fiscal year 2024 that resulted in charges being  
3 filed in federal court, the names of the defendants, and the crimes charged.

4 (6) NO LATER THAN JULY 15, 2023, AND ON THE 15TH DAY OF THE FIRST MONTH OF EACH QUARTER  
5 AFTER THAT IN THE 2025 BIENNIUM, THE DEPARTMENT SHALL REPORT TO THE JUDICIAL BRANCH, LAW ENFORCEMENT,  
6 AND JUSTICE BUDGET COMMITTEE ON:

7 (A) THE ALLOCATION OF THE SETTLEMENT PROCEEDS FROM THE SETTLEMENT AGREEMENTS WITH  
8 MCKESSON CORPORATION, CARDINAL HEALTH, INC., AMERISOURCE BERGEN CORPORATION, JANSSEN  
9 PHARMACEUTICALS, INC., ORTHOMCNEIL-JANSSEN PHARMACEUTICALS, INC., JANSSEN PHARMACEUTICA, INC., AND  
10 JOHNSON & JOHNSON BY THE MONTANA ABATEMENT TRUST;

11 (B) OUTCOME DATA REQUIRED BY THE MONTANA ABATEMENT TRUST FOR ANY PARTY RECEIVING MONEY  
12 FROM IT;

13 (C) EVALUATIONS OF PROGRAMS FUNDED BY THE MONTANA ABATEMENT TRUST; AND

14 (D) PROGRAMS FUNDED WITH THE ALLOCATION OF THE SETTLEMENT PROCEEDS PROVIDED TO THE STATE  
15 FROM THE SETTLEMENT AGREEMENTS WITH THE COMPANIES LISTED IN SUBSECTION (6)(A).

16  
17 **NEW SECTION. Section 5. Office of court administrator to report.** (1) Each quarter of the 2025  
18 biennium, the office of court administrator shall report to the law and justice interim committee and the judicial  
19 branch, law enforcement, and justice budget committee on the number of civil cases that have been pending for  
20 more than 2 years by judicial district. The report must identify:

21 (a) the judicial district;

22 (b) the number of cases in that district that are pending for more than 2 years but less than 3  
23 years;

24 (c) the number of cases in that district that are pending for more than 3 years but less than 4  
25 years;

26 (d) the number of cases in that district that are pending for more than 4 years but less than 5  
27 years; and