

HOUSE BILL NO. 104

INTRODUCED BY E. ALBUS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING POWERS AND DUTIES OF AGENTS; ADDING HUMAN TRAFFICKING, PROSTITUTION, AND INTERNET CRIMES AGAINST CHILDREN TO THE LIST OF OFFENSES AN AGENT APPOINTED BY THE ATTORNEY GENERAL HAS CONCURRENT JURISDICTION TO INVESTIGATE; PROVIDING A DEFINITION; AND AMENDING SECTION 44-2-115, MCA."

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

Section 1. Section 44-2-115, MCA, is amended to read:

"44-2-115. Powers and duties of agents -- definition. (1) An agent appointed by the attorney general pursuant to this part is a peace officer and:

(1)(a) shall provide investigative assistance to city, county, state, and federal law enforcement agencies at their request in accordance with rules adopted by the department of justice;

(2)(b) shall must have concurrent jurisdiction with local law enforcement agencies to investigate offenses involving:

(i) _____ dangerous drugs, as provided in Title 45, chapter 9, ~~and~~ ;

(ii) _____ violations that constitute organized criminal activity;

(iii) _____ human trafficking, as defined in 45-5-701;

(iv) _____ prostitution or patronizing a prostitute, as provided in 45-5-601; or

(v) _____ internet crimes against children;

(3)(c) shall investigate gambling activities in this state, as provided in 23-5-113;

(4)(d) shall investigate any apparent violations of penal statutes disclosed by an audit of a state agency by the legislative auditor;

(5)(e) shall investigate apparent violations of penal statutes referred by the state workers' compensation insurance fund; and

1 ~~(6)~~(f) shall assist whenever possible any law enforcement school held in the state for law
2 enforcement officers when requested.

3 (2) For the purposes of this section, "internet crimes against children" means the use of an
4 electronic device or electronic communication to commit or facilitate the commission of a crime against a child,
5 including:

6 (a) sexual assault, as defined in 45-5-502;

7 (b) sexual intercourse without consent, as defined in 45-5-503;

8 (c) indecent exposure, as defined in 45-5-504;

9 (d) aggravated sexual intercourse without consent, as defined in 45-5-508;

10 (e) sexual abuse of children, as defined in 45-5-625;

11 (f) child sex trafficking, as defined in 45-5-711; and

12 (g) any other offense in which a person uses technology to commit or facilitate a crime against a
13 child."

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