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SENATE BILL NO. 160

INTRODUCED BY B. MOLNAR, J. WINDY BOY, K. REGIER, J. SMALL, L. DEMING

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DRUG OR HUMAN TRAFFICKING; PROVIDING A REWARD FOR INFORMATION LEADING TO THE CONVICTION OF DRUG OR HUMAN TRAFFICKERS; REQUIRING A SIGN PROCLAIMING A REWARD AT ALL PORTS OF ENTRY, AIRPORTS, RAILWAY STATIONS, AND BUS STATIONS; REVISING DISTRIBUTION OF DRUG FORFEITURE MONEY; REQUIRING ANY SHORTFALL IN THE AMOUNT APPROPRIATED FOR REWARDS TO BE PAID FROM THE HEART ACCOUNT; EXEMPTING THE REWARD FROM TAXATION; PROVIDING AN APPROPRIATION AND A STATUTORY APPROPRIATION; AMENDING SECTIONS 16-12-122, 17-7-502, AND 44-12-213, MCA; EXEMPTING THE REWARD FROM TAXATION; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Montana's law enforcement of all types is spread thin over 147,000 square miles; and
WHEREAS, like all states and territories, Montana is experiencing a "Meth, FENTANYL, AND HEROIN Epidemic"; and

WHEREAS, all illegal drugs are a scourge on Montana; and

WHEREAS, Montana recently settled several lawsuits against pharmaceutical companies involving opiate deaths, injuries, and damages; and

WHEREAS, Montana received significant sums of money as part of the settlement of these lawsuits; and

WHEREAS, these funds should be spent on combatting the problems caused by illegal drugs, drug smuggling, and human trafficking in Montana; and

WHEREAS, human trafficking destroys all that come into contact with it; and

WHEREAS, drug smugglers and human traffickers rely on a culture of trust between coperpetrators; and

WHEREAS, the easiest way to make drug smugglers and human traffickers stop doing business in Montana is to destroy their culture of trust.

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

NEW SECTION. **Section 1. Trafficking of illegal drugs -- human trafficking -- reward -- creation of sign.** (1) (a) A person, not including peace officers, informants cooperating with law enforcement,

prosecutors, or judicial officers, who furnishes ACTIONABLE information to a law enforcement officer leading to a conviction for any of the following must be paid a reward of \$50,000:

- (i) an offense under Title 45, chapter 9, part 1;
- (ii) a felony related to the illegal trafficking or distribution of a Schedule I drug under 50-32-222, except marijuana, or a Schedule II drug under 50-32-224 with a street value of at least \$10,000 as determined by the prosecutor; or
- (iii) a felony related to human trafficking as defined in 45-5-701.

(b) The department of justice shall develop a secure system for receiving and verifying tips to law enforcement.

(2) The department of transportation shall create a sign proclaiming the \$50,000 reward as provided in subsection (1):

- (a) that is the same standard size as the "Welcome to Montana" signs posted at all ports of entry into the state; and
- (b) in a size-appropriate manner, with permission, in airports as defined in 67-1-101, railway stations or terminals, and bus stations or terminals.

(3) The reward is NOT exempt from garnishment, restitution, attorney fees, and state taxation.

(4) (A) The identity of an informant is not required if:

- ~~(a)~~(i) disclosure would result in substantial risk to the informant or the informant's family; or
- ~~(b)~~(ii) maintaining informant confidentiality prevents a successful prosecution and the informant may not receive an award.

(B) (i) TACTICS USED BY LAW ENFORCEMENT DURING AN INVESTIGATION OF AN INFORMANT'S TIP MUST MAXIMIZE THE PROTECTION OF AN INFORMANT'S IDENTITY.

(ii) Law enforcement may not reveal the name of an informant who wishes to collect a reward or

1 who is reporting a crime without the express permission of the informant.

2 (5) If more than one family member or partner as defined in 45-5-206(2) gives information leading
3 to a conviction, only one reward may be given.

4 (6) A person listed in subsection (1)(a) may not conspire with another person to collect a reward.

5 (6)(7) Except as provided in subsection (5), if more than one person gives information leading to a
6 conviction and the total reward for one conviction exceeds \$100,000, the prosecutor shall decide how to divide
7 the reward on an equitable basis.

8 (8) The reward required by this section must be paid from the account established in [section 3],
9 except that if the funds provided in [section 3] are not sufficient to pay the required rewards, then the balance of
10 the rewards must be paid from the healing and ending addiction through recovery and treatment account
11 established in 16-12-122.

13 **NEW SECTION. Section 2. Reward proceeds for information leading to conviction for drug or**
14 **human trafficking.** All payments made under [section 1] are exempt from state taxation under this chapter.

16 **NEW SECTION. Section 3. Drug and human trafficking special revenue account.** (1) There is a
17 drug and human trafficking account in the state special revenue fund. The account consists of legislative
18 appropriations and any forfeitures made pursuant to 44-12-213(3). The funds in the account must be used as
19 provided in subsection (2) of this section. The money in the account is statutorily appropriated, as provided in
20 17-7-502, to the attorney general.

21 (2) Money in this account may be used by the department of justice for the purposes of providing
22 the rewards required by [section 1] and reimbursing the department of transportation for signs required by
23 [section 1(2)].

25 ~~**NEW SECTION. Section 2. — Reward proceeds for information leading to conviction for drug or**~~
26 ~~**human trafficking.**~~ All payments made under [section 1] are exempt from state taxation under this chapter.

28 **Section 4.** Section 16-12-122, MCA, is amended to read:

1 **"16-12-122. Healing and ending addiction through recovery and treatment account.** (1) There is
2 a healing and ending addiction through recovery and treatment account in the state special revenue fund. The
3 account consists of money transferred to the account pursuant to 16-12-111.

4 (2) Revenue in the account must be used to provide:

5 (a) statewide programs for:

6 (a)(i) substance use disorder prevention;

7 (a)(ii) mental health promotion; and

8 (a)(iii) crisis, treatment, and recovery services for substance use and mental health disorders; and

9 (b) any payment required by [section 1].

10 (3) The programs must be designed to:

11 (a) increase the number of individuals choosing treatment over incarceration;

12 (b) improve access to, utilization of, and engagement and retention in prevention, treatment, and
13 recovery support services;

14 (c) expand the availability of community-based services that reflect best practices or are evidence-
15 based;

16 (d) leverage additional federal funds when available for the healthy Montana kids plan provided for
17 in Title 53, chapter 4, part 11, and the medicaid program provided for in Title 53, chapter 6, for the purposes of
18 this section;

19 (e) provide funding for programs and services that are described in subsections (2)(a) through
20 (2)(c) and provided on an Indian reservation located in this state; or

21 (f) provide funding for grants and services to tribes for use in accordance with this section.

22 (4) (a) An amount not to exceed \$500,000, including eligible federal matching sources when
23 applicable, must be used to provide funding for grants and services to tribes for tobacco prevention and
24 cessation, substance use disorder prevention, mental health promotion, and substance use disorder and
25 mental health crisis, treatment, and recovery services.

26 (b) The department of public health and human services shall manage the programs funded by the
27 special revenue account and shall adopt rules to implement the programs.

28 (5) The legislature shall appropriate money from the state special revenue account provided for in

1 this section for the programs referred to in this section.

2 (6) Programs funded under this section must be funded through contracted services with service
3 providers."
4

5 **Section 5.** Section 17-7-502, MCA, is amended to read:

6 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
7 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
8 the need for a biennial legislative appropriation or budget amendment.

9 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with
10 both of the following provisions:

11 (a) The law containing the statutory authority must be listed in subsection (3).

12 (b) The law or portion of the law making a statutory appropriation must specifically state that a
13 statutory appropriation is made as provided in this section.

14 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-
15 407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807;
16 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-
17 165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130;
18 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-
19 3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-
20 20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327;
21 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004;
22 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; ~~44-12-213~~ [\[section 3\]](#); 44-13-
23 102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-
24 321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-
25 150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-
26 112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102];
27 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

28 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,

1 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
2 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
3 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
4 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
5 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
6 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
7 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
8 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
9 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
10 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
11 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,
12 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;
13 pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,
14 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.
15 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,
16 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-
17 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates
18 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June
19 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to
20 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,
21 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion
22 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004
23 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,
24 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and
25 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

26

27 **Section 6.** Section 44-12-213, MCA, is amended to read:

28 **"44-12-213. Disposition of proceeds of sale.** (1) Whenever property is seized, forfeited, and sold

1 under the provisions of this chapter, the net proceeds of the sale must be distributed as follows:

2 (a) to the holders of security interests who have presented proper proof of their claims, if any, up to
3 the amount of their interests in the property;

4 (b) the remainder, if any, to the county treasurer of the county in which the property was seized,
5 who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except
6 as provided in subsections (1)(c) through (1)(e);

7 (c) if the property was seized within the corporate limits of a city or town by a law enforcement
8 agency of that city or town, the remainder, if any, to the city or town treasurer, who shall establish and maintain
9 a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(d)
10 and (1)(e);

11 (d) if the property was seized by an employee of the state, the remainder, if any, is allocated as
12 provided in subsection (3), except as provided in subsection (1)(e); and

13 (e) if the property was seized as a result of the efforts of more than one law enforcement agency,
14 the remainder, if any, to the accounts required by this subsection (1), pro rata in the proportions represented by
15 the agencies' expenses of investigation, as determined by the attorney general.

16 (2) All proceeds from any source that are deposited into a county, city, or town drug forfeiture
17 account must in each fiscal year be appropriated to and remain available until expended by the confiscating
18 agency for drug laws enforcement and education concerning drugs.

19 (3) ~~(a) Each year, the first \$125,000 of net proceeds received by the state under subsections~~
20 ~~(1)(d) and (1)(e) must be deposited in an account in the state special revenue fund to the credit of the~~
21 ~~department of justice established in [section 3]. The department may expend the money in the account only for~~
22 ~~purposes of enforcement of drug laws. An amount up to \$125,000 each year is statutorily appropriated, as~~
23 ~~provided in 17-7-502, to the attorney general for enforcement of drug laws. Any expenditure in excess of~~
24 ~~\$125,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part~~
25 ~~4.~~

26 ~~(b) Each year, net proceeds in excess of \$125,000 that are received by the state under subsections~~
27 ~~(1)(d) and (1)(e) must be deposited equally between the state special revenue account and the general fund."~~

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