

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SEXUAL ABUSE AND EXPLOITATION REPORTING
5 LAWS; REQUIRING THE COUNTY ATTORNEY TO REQUEST ASSISTANCE FROM THE DEPARTMENT OF
6 PUBLIC HEALTH AND HUMAN SERVICES REGARDING IDENTIFICATION AND INCLUDE IN THE REPORT
7 TO THE ATTORNEY GENERAL THE NUMBER OF REPORTS THAT WERE NOT PROSECUTED;
8 PROVIDING REPORTING REQUIREMENTS FOR THE ATTORNEY GENERAL TO REPORT TO THE
9 INTERIM BUDGET COMMITTEES; MODIFYING REPORTING REQUIREMENTS FOR REPORTS ON
10 ADDITIONAL INFORMATION TO THE LAW AND JUSTICE INTERIM COMMITTEE; AND AMENDING
11 SECTIONS 41-3-210, 41-3-211, AND 41-3-212, MCA."

12

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

15 **Section 1.** Section 41-3-210, MCA, is amended to read:

16 **"41-3-210. County attorney duties -- certification -- retention of records -- reports to attorney**

17 **general and legislature -- attorney general report.** (1) (a) The county attorney shall gather all case notes,

18 correspondence, evaluations, interviews, and other investigative materials pertaining to each report from the

19 department or investigation by law enforcement of sexual abuse or sexual exploitation of a child made within

20 the county when the alleged perpetrator of the sexual abuse or sexual exploitation is 12 years of age or older. If

21 the alleged perpetrator of the sexual abuse or sexual exploitation is not identified, the county attorney shall

22 request the department to provide the name or other available information to assist in identifying the alleged

23 perpetrator. After a report is made or an investigation is commenced, the following individuals or entities shall

24 provide to the county attorney all case notes, correspondence, evaluations, interviews, and other investigative

25 materials related to the report or investigation:

26 (i) the department;

27 (ii) state and local law enforcement; and

28 (iii) all members of a county or regional interdisciplinary child information and school safety team

1 will be prioritized as an emergency.

2 (3) Reports made under this part are confidential as provided in 41-3-205. The privacy of the
3 person making the report must be protected as provided in 41-3-205(3)(d) and (3)(h).

4 (4) A department employee receiving a report pursuant to 41-3-201 shall:

5 (a) to the greatest extent possible, attempt to obtain the name and phone number of the person
6 making the report and document any other identifying information available, including but not limited to the
7 caller's phone number when identified by the phone system; and

8 (b) if the report is being made by phone, notify the caller that the report is being recorded and the
9 person's identity will be kept confidential."

10

11 **COORDINATION SECTION.** **Section 4. Coordination instruction.** If both Senate Bill No. 69 and
12 [this act] are passed and approved and if both contain a section that amends 41-3-210, then the sections
13 amending 41-3-210 are void and 41-3-210 must be amended as follows:

14 **"41-3-210. County attorney duties -- certification -- retention of records -- reports to attorney
15 general and legislature -- attorney general report.** (1) (a) The county attorney shall gather all case notes,
16 correspondence, evaluations, interviews, and other investigative materials pertaining to each report from the
17 department or investigation by law enforcement of sexual abuse or sexual exploitation of a child made within
18 the county when the alleged perpetrator of the sexual abuse or sexual exploitation is 12 years of age or older. If
19 the alleged perpetrator of the sexual abuse or sexual exploitation is not identified, the county attorney shall
20 request the department to provide the name or other available information to assist in identifying the alleged
21 perpetrator. After a report is made or an investigation is commenced, the following individuals or entities shall
22 provide to the county attorney all case notes, correspondence, evaluations, interviews, and other investigative
23 materials related to the report or investigation:

24 (i) the department;

25 (ii) state and local law enforcement; and

26 (iii) all members of a county or regional interdisciplinary child information and school safety team
27 established under 52-2-211.

28 (b) The duty to provide records to the county attorney under subsection (1)(a) remains throughout

Amendment - 1st Reading/2nd House-blue - Requested by: (S) Judiciary

- 2025

69th Legislature 2025

Drafter: Laura Sherley,

HB0593.002.001

1 the course of an investigation, an abuse and neglect proceeding conducted pursuant to this part, or the
2 prosecution of a case involving the sexual abuse of a child or sexual exploitation of a child.

3 (c) Upon receipt of a report from the department, as required in 41-3-202, that includes an
4 allegation of sexual abuse of a child or sexual exploitation of a child, the county attorney shall certify in writing
5 to the person who initially reported the information that the county attorney received the report. The certification
6 must include the date the report was received and the age and gender of the alleged victim. If the report was
7 anonymous, the county attorney shall provide the certification to the department. If the report was made to the
8 county attorney by a law enforcement officer, the county attorney is not required to provide the certification.

9 (2) The county attorney shall retain records relating to the report or investigation, including the
10 certification, case notes, correspondence, evaluations, videotapes, and interviews, for 25 years.

11 (3) ~~On or before January 1 and June 1 of each year~~On or before July 1 of each year, each county
12 attorney shall report to the attorney general. The report to the attorney general must include, for each report
13 from the department or investigation by law enforcement:

14 (a) a unique case identifier;
15 (b) the date that the initial report or allegation was received by the county attorney;
16 (c) the date any charges were filed;
17 (d) the date of any decision to decline to prosecute;
18 (e) if charges are filed against a defendant, whether a conviction was obtained and, if a conviction
19 was obtained, the sentence imposed by the court; ~~and~~

20 (f) the number of certifications made as required by subsection (1)(c), including the number of
21 certifications made to the department; ~~and~~

22 (g) ~~of the reports submitted pursuant to 41-3-202(1)(b), the number of reports presented that have
23 not resulted in a prosecution or a declination of prosecution within 2 years of the date of the initial report
24 received by the county attorney, and the basis for not making a decision on whether to prosecute or decline
25 prosecution in the matters reported.~~

26 (4) (a) The attorney general shall create a form for county attorneys to use when submitting reports
27 required by subsection (3). The form must allow collection of the information required by subsection (3) on an
28 aggregated, cumulative basis for a 5-year period until charges are filed or a decision is made to decline to

1 prosecute.

2 (b) The information provided by a county attorney on the forms is confidential criminal justice
3 information as defined in 44-5-103.

4 (5) The attorney general shall report to the law and justice interim committee and the interim
5 budget committees in 5-12-501(2)(b) and (2)(d) each year by August 15 and as provided in 5-11-210. The
6 reports must provide:

7 (a) aggregated information regarding the status of the cases reported in subsection (3) by the
8 county attorneys, except for those cases pending review of the county attorney or uncharged cases still under
9 investigation, including data on the total number of cases reported;

10 (b) the number of cases declined for prosecution in the prior fiscal year;

11 (c) the number of cases charged in the prior fiscal year;

12 (d) the initials of each defendant charged in the prior fiscal year who had been identified in the
13 reports submitted pursuant to 41-3-202(1)(b) as an alleged perpetrator of sexual abuse or sexual exploitation
14 and was charged based upon the conduct alleged;

15 (e) the initials of each defendant identified in the reports submitted pursuant to 41-3-202(1)(b) as
16 an alleged perpetrator of sexual abuse or sexual exploitation for whom a conviction was obtained based upon
17 the conduct alleged;

18 (f) the initials of each defendant identified in the reports submitted pursuant to 41-3-202(1)(b) as
19 an alleged perpetrator of sexual abuse or sexual exploitation for whom a sentence was imposed based upon
20 the conduct alleged and the sentence imposed by the court for the defendant;

21 (d)(g) any action in the past fiscal year that the attorney general took under the authority of 2-15-501
22 based on the reports submitted as required in subsection (3). A report made pursuant to this subsection
23 (5)(d)(g) may not include the name of the county;

24 (h) the number of reports from the department pursuant to 41-3-211(2); and

25 (e)(i) after consideration of the information provided by the department pursuant to 41-3-211, any
26 county attorney who failed to provide a complete report required by subsection (3)."

27

- END -