

1 HOUSE BILL NO. 450

2 INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CRIMINAL JURISDICTION ON THE
5 FLATHEAD INDIAN RESERVATION; REQUIRING REIMBURSEMENT TO COUNTIES FOR NET COSTS;
6 REQUIRING THE STATE TO SEEK RETROCESSION OF ITS CRIMINAL JURISDICTION IF IT FAILS TO
7 REIMBURSE COUNTIES; ALLOWING A COUNTY TO REFUSE TO ENFORCE THE STATE'S JURISDICTION
8 IF THE STATE FAILS TO REIMBURSE THE COUNTY; AMENDING SECTION 2-1-301, MCA; AND PROVIDING
9 AN EFFECTIVE DATE."

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

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13 **Section 1.** Section 2-1-301, MCA, is amended to read:
14 **"2-1-301. Assumption of criminal jurisdiction of Flathead Indian country.** (1) The state of Montana
15 hereby obligates and binds itself to assume, ~~as herein provided,~~ criminal jurisdiction over Indians and Indian
16 territory of the Flathead Indian reservation and country within the state in accordance with the consent of the
17 United States given by the act of August 15, 1953 (Public Law 280, 83rd congress, 1st session).
18 (2) The state of Montana is responsible for the costs incurred to enforce its criminal jurisdiction on the
19 Flathead Indian reservation. When the state relies on a law enforcement agency, as defined in 7-32-201, to
20 enforce the state's criminal jurisdiction under this section, the state shall reimburse the county that oversees the
21 law enforcement agency for the net costs of enforcement.
22 (3) The eligible costs for which a law enforcement agency may seek reimbursement under this section
23 include but are not limited to:
24 (a) detection, prevention, and suppression of crime and accomplishing the policies set forth in Article
25 II, section 36, of the Montana constitution and 46-18-101;
26 (b) enforcement of criminal and traffic codes, including any costs related to the prosecution of a violation
27 of a criminal or traffic code; and
28 (c) detention or commitment to a detention center, as defined in 7-32-2241, or a youth detention facility,
29 as defined in 41-5-103.
30 (4) The department of justice shall administer the reimbursements. The county shall submit a request

1 for reimbursement to the department of justice on a monthly basis. The request must be submitted within 30 days
2 of the last day of the prior month. The reimbursement must be calculated by taking the actual costs incurred in
3 the calendar month for which reimbursement is sought and then subtracting the amount of any funds received
4 from federal or tribal entities for reimbursement for the same calendar month to determine the net cost for
5 reimbursement.

6 (5) If the state fails to make reimbursement of the net costs of enforcement to a county that submits a
7 request for reimbursement:

8 (a) the state shall seek full retrocession of its criminal jurisdiction as authorized by 25 U.S.C. 1323; and

9 (b) the county may decline to enforce the state's criminal jurisdiction under this section."

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11 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2017.

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