

The Legislative Fiscal Division Presents an Agency Profile of: The Department of Justice

Contact: Greg DeWitt, Senior Fiscal Analyst

Room 119, State Capitol Building

Phone: 444-5392

E-mail: gcdewitt@mt.gov

Updated December 2012

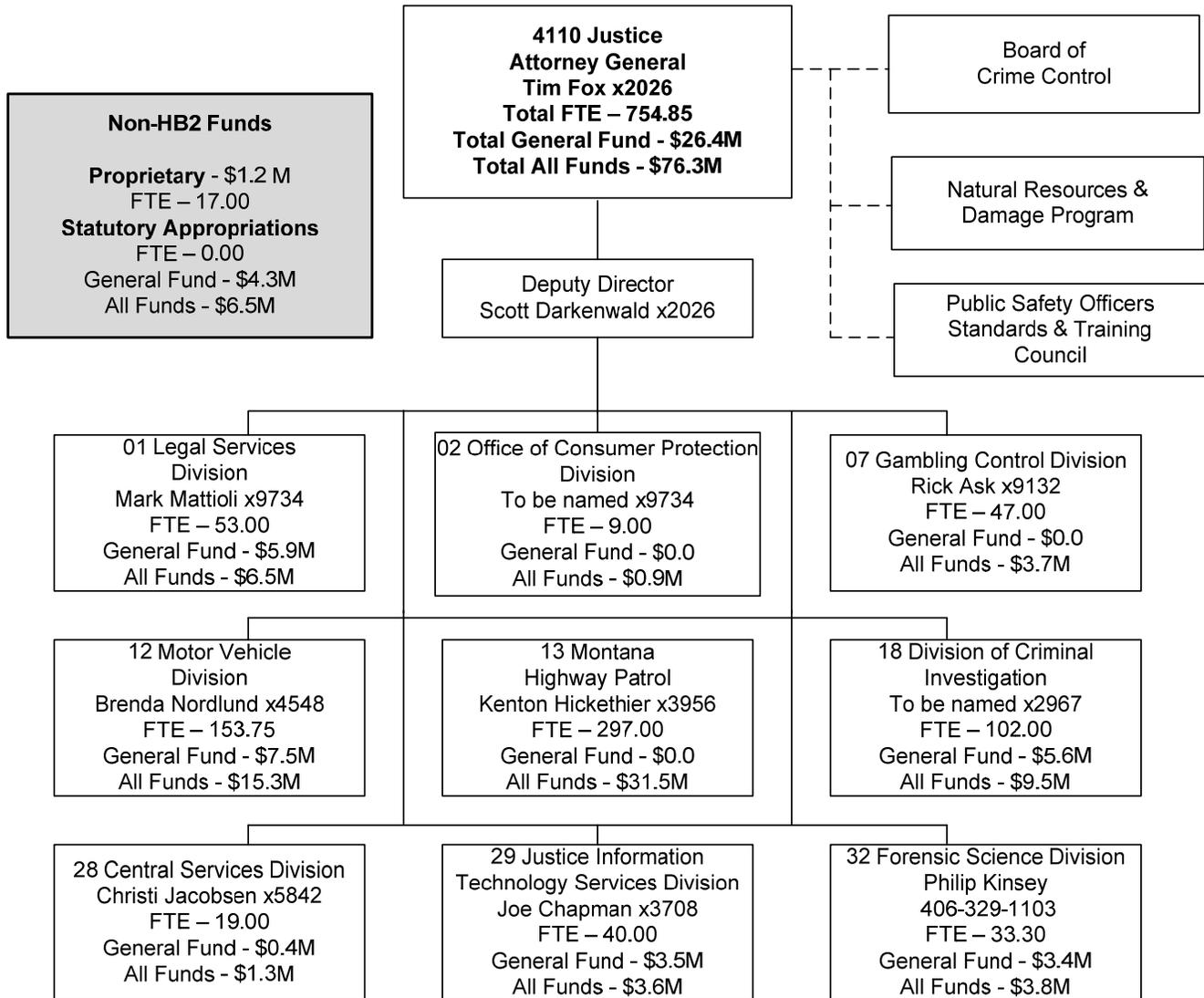
Definition of Terms

Agency Description

The Department of Justice, under the direction of the Attorney General, is responsible for statewide legal services and counsel, law enforcement, and public safety. The department:

- Provides legal representation for the state and its political subdivisions in criminal appeals
- Provides legal services and counsel for the state, county, and municipal agencies and their officials
- Enforces Montana traffic laws and registers all motor vehicles
- Enforces state fire safety codes and regulations
- Assists local law enforcement agencies in bringing offenders to justice
- Provides criminal justice officers and other qualified individuals with basic and specialized training in the field of law enforcement
- Manages a statewide system of death investigations
- Provides scientific analyses of specimens submitted by law enforcement officials, coroners, and state agencies
- Maintains and disseminates criminal justice information to authorized state, local, and other entities
- Provides uniform regulation of all gambling activities in the state of Montana
- Enforces consumer protection laws and regulations relating to unfair and deceptive business practices
- Assists Montana consumers in making sound decisions by providing public outreach
- Provides statewide leadership on issues related to victims of crime and administers the Crime Victims Compensation program

Below is an organizational chart of the agency including full time-equivalent (FTE) numbers, general fund appropriations, statutory appropriations, proprietary funds, and total funds. Unless otherwise noted, all phone extensions are preceded by (406) 444



At the time of publication of this profile, all division administrators had not been named so they appear on this chart as "To be named".

How Services are Provided

The Department of Justice provides these services through a structure consisting of nine divisions with the following functions:

Legal Services Division provides the Attorney General with legal research and analysis; legal counsel for state government officials, agencies, and boards; legal assistance to local governments and Indian tribes including assistance, training, and support for county attorneys (prosecutors). This division is also responsible for victims' assistance and compensation functions.

Office of Consumer Protection advocates on behalf of Montana Consumers, investigates consumer complaints and enforces consumer protection laws.

Gambling Control Division has criminal justice authority and conducts routine field inspections and investigations related to gambling activities. In addition to collecting and distributing licensing fees for gambling machines and activities, the division is responsible for collecting the gambling tax assessed on the net proceeds of gambling activities, and investigative functions relating to alcoholic beverage licensing and tobacco enforcement. An appointed gaming advisory council of nine members provides advisory services to the department.

Motor Vehicle Division is responsible for examination and licensure of motor vehicle drivers, maintenance of driver and motor vehicle records, titling and registration of vehicles, inspection and verification of vehicle identification numbers, and licensure and compliance control of motor vehicle dealers and manufacturers.

Montana Highway Patrol is responsible for patrolling the highways of Montana, enforcing traffic laws, and investigating traffic crashes. The patrol provides 24-hour seven-day-a-week communication and radio dispatch for the highway patrol and other state agencies.

Division of Criminal Investigation Under both state and federal mandates, the division investigates crimes, provides for fire safety inspections, and provides officer training including operation of the Montana Law Enforcement Academy. Investigators conduct criminal investigations of homicide, fraud, robbery, assault, corruption, arson, organized crime, computer crime, dangerous drug activity, and other felony crimes. The division also has specialized criminal investigation units for workers' compensation, public assistance, Medicaid, legislative audit and computer crime fraud. Additionally, the Peace Officers Standards and Training Council is administratively attached to the Department of Justice.

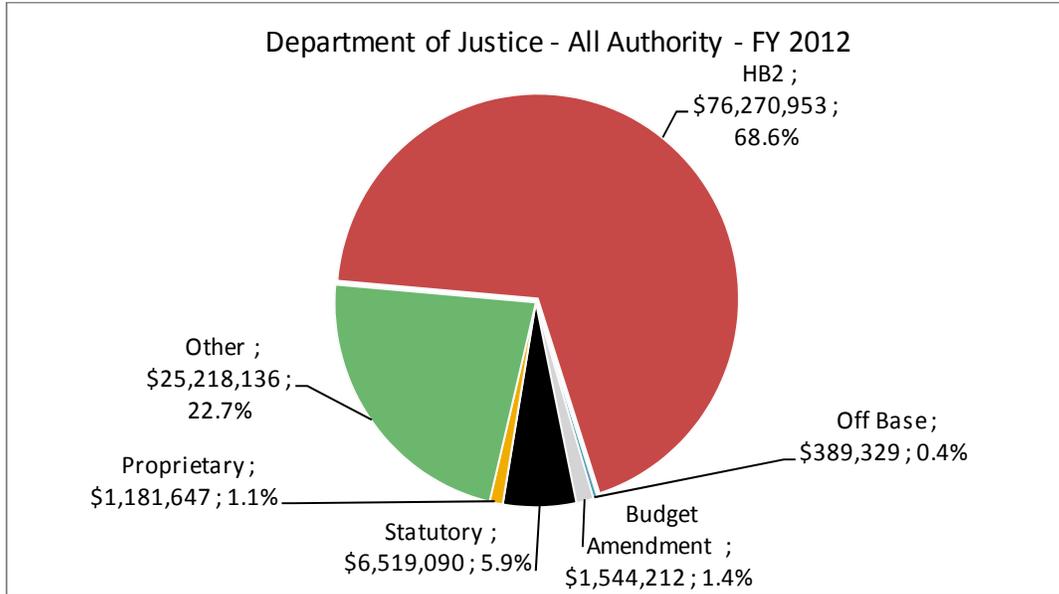
Central Services Division provides the administrative, personnel, budgetary, accounting, and fiscal support for the department. This division also administers payment of the state contribution toward county attorney costs.

Information Technology Services Division provides a full range of information technology and criminal justice services for the department including system development and maintenance of motor vehicle titling and registration systems, driver license and history system, criminal history record information system and the Sexual and Violent Offender Registry. The Criminal Justice Information Network (CJIN) links law enforcement and criminal justice agencies with information sources at local, state, and national levels.

Forensic Science Division, which includes the state crime lab in Missoula, provides for a statewide system of death investigation, forensic science training, and scientific criminal investigation and analysis of specimens. The division tests firearms, tool marks, hair, fibers, body fluids, and tissues. The laboratory also analyzes blood and urine samples, and provides the certification, maintenance, and training of all law enforcement personnel on breath testing instruments.

Sources of Spending Authority

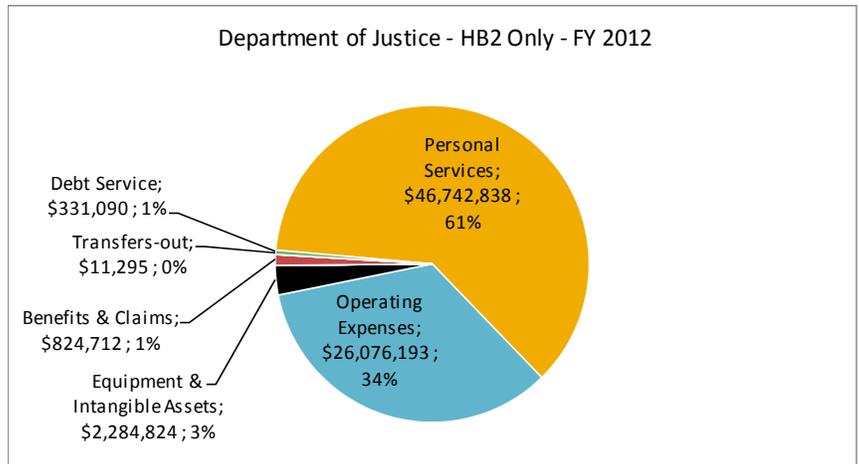
For FY 2012, off base authority is for one-time-only funding for a portion of the funding in the Motor Vehicle Division associated with the Vehicle Insurance Verification System and printers, equipment purchased for the state crime lab, and an upgrade of the Criminal Justice Information Network.



The above chart shows the sources of authority for the department. The accounting term “off base” refers to one-time-only spending and non-budgeted items like inventory adjustments. Other legislative appropriations (sometimes called cat and dog bills) are included in the above categories as appropriate. For a more detailed description of accounting terminology, please refer to the definition of terms.

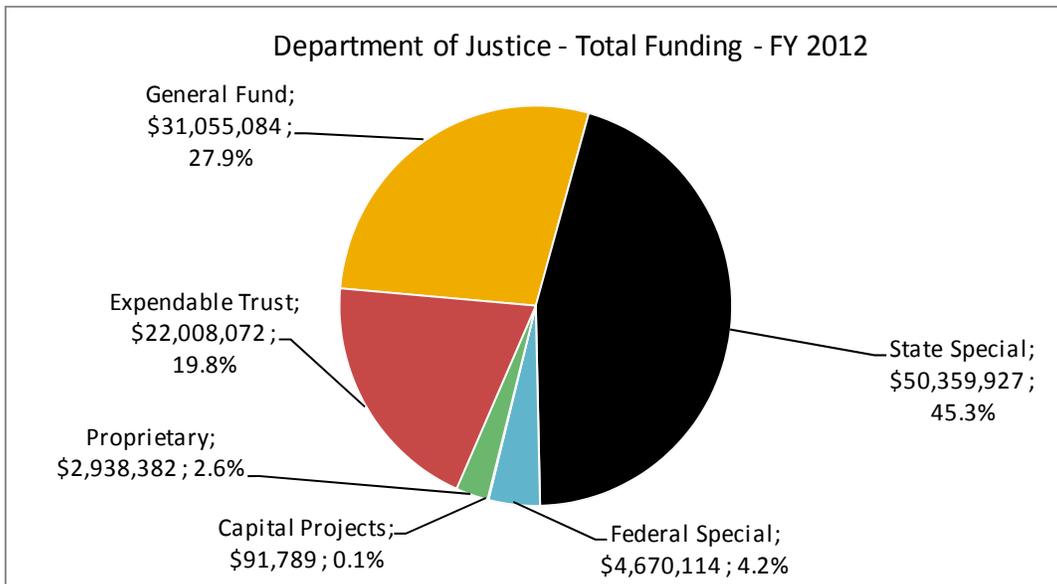
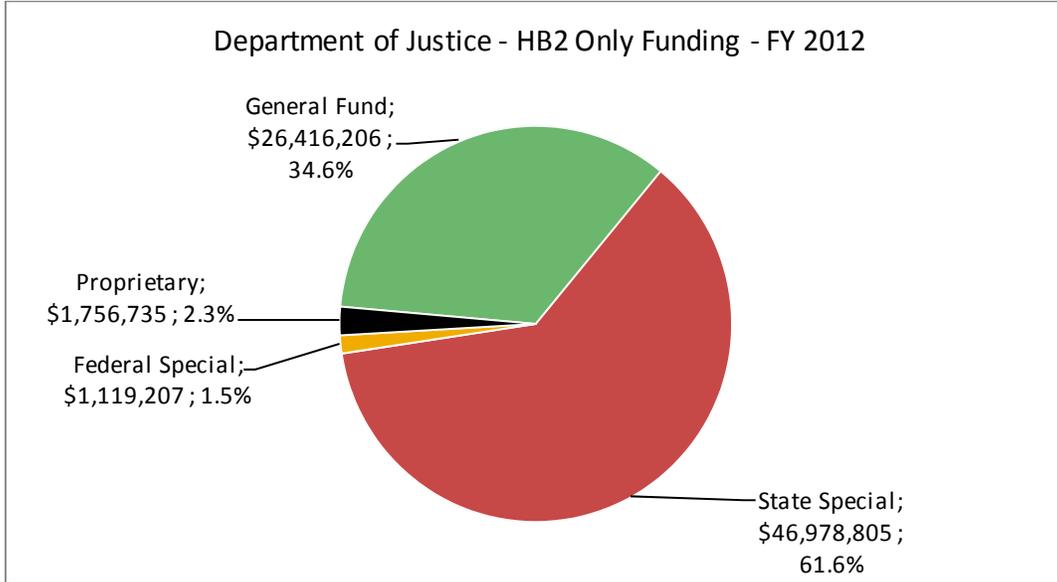
Expenditures

The next chart explains how the HB 2 authority is spent. Personal services to fund 754.85 FTE comprises the majority of expenditures. Benefits and claims are related to payments made to crime victims with both state and federal funds. This chart matches the agency chart found in the 2015 Budget Analysis. Some minor discrepancies may occur as a result of rounding.



Funding

The following charts show the agency's HB 2 funding authority by fund type and all sources of its total funding authority. A little more than half of state special revenue are for Montana Highway Patrol (MHP) funding from highways state special revenue account and two-thirds of all state special revenue expenditures are for the MHP.



How the 2013 Legislature Can Effect Change

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following basic elements that drive costs.

The department's expenditures are largely for personal services and operating costs. Items that impact these costs are most likely to result in significant change. The legislature might also impact expenditure levels through actions that increase or decrease the work to be completed by the department such as statutory changes in motor vehicle registration, drivers licensing, gambling laws, criminal statutes, victim's assistance, or consumer protection laws.

Major Cost Drivers

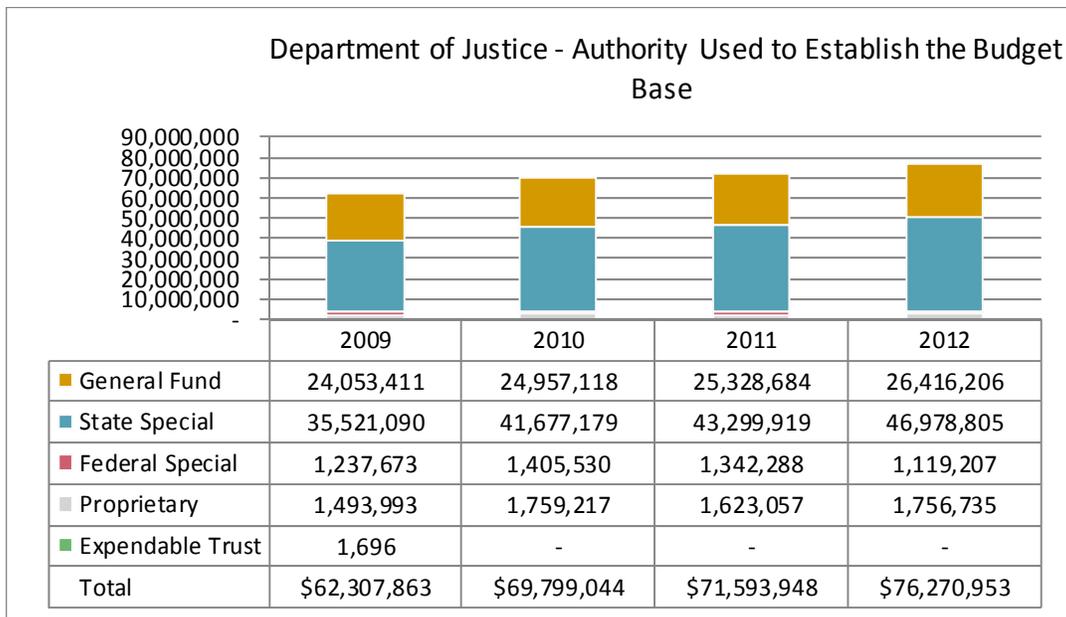
Driver	FY 2002	FY 2012	Significance of Data
Number of active driver licenses (note 1)	694,743	761,387	Shows workload increase at driver license stations
Number of active vehicle registrations (note 1)	1,251,303	2,070,875	Shows workload increase at Title and Registration Bureau
Number of driver control actions (note 1)	31,785	52,131	Shows workload increase in Motor Vehicles Division
New cases open in legal services criminal appeals and litigation	244	433	Shows workload increase in Legal Services Division
Attorney General opinions issued	7	6	Shows workload increase in Legal Services Division
Vehicle crash investigations (notes 1 and 2)	11,063	9,905	Shows vehicle crash-related workload impacts
Number of criminal investigations and cases (note 1)	539	608	Shows workload increase in Criminal Investigations Division
Number of cases received by the crime lab	5,034	6,902	Shows caseload growth at the state crime lab
Note 1: statistics are for calendar years 2001 and 2011			
Note 2: crash investigations in 2001 were in for the Montana Law Enforcement Academy and for 2011 for the Montana Highway Patrol (MHP)			

The table above provides some cost drivers that can indirectly impact the operating costs of the department.

Funding/Expenditure History

The following figure shows how expenditures in HB 2 have been funded for the period from FY 2009 through FY 2012. Growth over the period is attributed to the following factors:

- Overall, general fund grew at a 3.2% average annual rate primarily due to the following:
 - Montana Highway Patrol general fund went from \$236,000 in FY 2009 to no funding in FY 2012
 - Division of Criminal Investigation saw a 5.5% average annual growth
 - Information Technology Services Division saw a 3.1% average annual growth
- Overall, state special revenue grew at a 9.9% average annual rate primarily due to:
 - An average annual growth rate of 13.2% for the Montana Highway Patrol with a corresponding growth in FTE from 269.05 to 297.75, or 28.70 FTE. State special revenue increased also because of increases for information technology for the Smart Cop Program and trooper salary increases
 - Motor Vehicle Division experienced an average annual growth rate of 10.3% due largely to debt payments on the Montana Enhanced Registration and Licensing Information Network (MERLIN) and costs for a vehicle insurance verification system



Major Legislative Changes in the Last Ten Years

The following legislative changes impact the funding for the department:

- Authority was provided to establish a fee for disseminating criminal history record information by SB 128 of the 2003 Legislature
- A loan increase was authorized for funding of the motor vehicle information technology system and certain fees on vehicles were increase from \$5 to \$10 to pay debt service on the loan by HB 261 of the 2003 Legislature
- A surcharge of \$10 was established on criminal convictions in all courts of limited jurisdiction to fund the Montana Law Enforcement Academy and replace general fund support for the academy in HB 124 of the 2003 Legislature
- The Office of Consumer Affairs was transferred to the department from the Department of Administration by HB 425 of the 2005 Legislature
- A statutory appropriation was established to pay supplemental benefits under the Montana Highway Patrol Officer's Retirement Pension Trust and certain fees assess on vehicles and driver's licenses were shifted for deposit in the general fund by HB 102 of the 2005 Legislature
- The fleet vehicle registration function was transferred to the department from the Montana Department of Transportation by HB 87 of the 2005 Legislature
- Highway patrol officer salary increases were provided, a funding mechanism was established to pay of highway patrol officer salary increases, and the Montana Highway Patrol was statutorily exempted from vacancy saving by HB 35 of the 2005 Legislature
- The Peace Officers Standards and Training Council (POST) was moved from the Board of Crime Control to the department by SB 273 of the 2007 Legislature
- Internet phishing was made a crime in HB 630 of the 2007 Legislature
- State contributions for 50% of county attorneys salaries was added by HB 12 of the 2007 Legislature
- A requirement for an online vehicle insurance verification system was created with an implementation date set for January 10, 2010, in SB 508 of the 2009 Legislature
- SB 361 in the 2011 Legislature allowed video line games in licensed establishments
- Implementation of the vehicle insurance verification system was delayed until January 1, 2013 in HB 367 of the 2011 Legislature
- Driver's license format was changed to include resident address by HB 195 of the 2011 Legislature

For further information, you may wish to contact the agency at:

Department of Justice

P.O. Box 201401

Helena, MT 59620-1401

Telephone: (406) 444-2026

Fax: (406) 444-354

web: <https://doj.mt.gov>