

**STATE OF MONTANA
OFFICE OF THE GOVERNOR**

Executive Order No. 4-2012

**EXECUTIVE ORDER DESIGNATING THE FORESTRY DIVISION OF THE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AS A
CRIMINAL JUSTICE AGENCY UNDER THE MONTANA CRIMINAL JUSTICE
INFORMATION ACT**

WHEREAS, the Forestry Division of the Department of Natural Resources and Conservation (DNRC) must suppress wildfires, in accordance with Mont. Code Ann. § 76-13-104(1); and

WHEREAS, in association with suppressing wildfires, and in order to determine whether it will seek payment from a responsible person or entity for the public funds expended suppressing wildfires, and in order to comply with the requirement in Mont. Code Ann. § 50-63-201 that the cause, origin and circumstances of each fire that causes property damage or destruction be investigated, the Forestry Division seeks a determination of the cause and origin of those wildfires by occasionally relying on local government entities and federal agencies that are classified as "criminal justice agencies" under Mont. Code Ann. § 44-5-103(7) of the Montana Criminal Justice Information Act of 1979; and

WHEREAS occasionally the "Cause and Origin" reports prepared by these criminal justice agencies for DNRC may be used in the prosecution of negligent arson or arson charges pursuant to Mont. Code Ann. §§ 45-6-102 and 45-6-103, respectively, and may, therefore, be classified as "confidential criminal justice information" as defined by § 44-5-103(3), thereby rendering the reports unavailable to the Forestry Division absent court approval; and

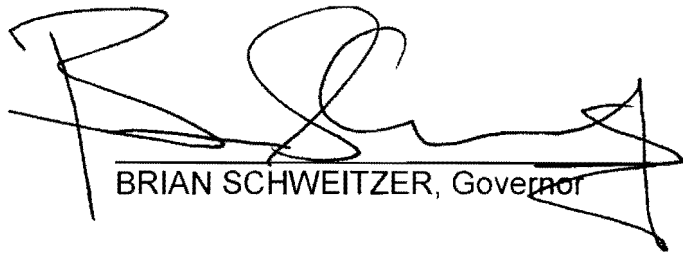
WHEREAS, designation of the Forestry Division as a "criminal justice agency" as defined in Mont. Code Ann. § 44-5-103(7) will enable the Division to perform its work and access this "confidential criminal justice information" concerning the cause and origin of wildfires.

THEREFORE, I, Brian Schweitzer, Governor of the State of Montana, by virtue of the authority vested in me by the laws and Constitution of the State of Montana, and in particular pursuant to Mont. Code Ann. § 44-5-103(7)(b) of the Montana Criminal Justice Information Act of 1979 (Mont. Code Ann. Title 44, Chapter 5), do hereby designate the Forestry Division of DNRC a criminal justice agency for purposes of its work in determining the cause and origin of wildfires.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana this

15 day of May, 2012.


BRIAN SCHWEITZER, Governor

ATTEST:


LINDA McCULLOCH, Secretary of State