

## HOUSE BILL NO. 250

INTRODUCED BY BECKER, HARRIS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A HEALTH CARE FACILITY OR GOVERNMENT  
5 AGENCY THAT DEALS WITH HEALTH CARE DOES NOT COMMIT THE CRIME OF VIOLATING PRIVACY  
6 IN COMMUNICATIONS IF IT RECORDS A HEALTH CARE EMERGENCY TELEPHONE COMMUNICATION  
7 MADE TO THE FACILITY OR AGENCY; AND AMENDING SECTION 45-8-213, MCA."

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

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11 **Section 1.** Section 45-8-213, MCA, is amended to read:  
12 **"45-8-213. Privacy in communications.** (1) Except as provided in 69-6-104, a person commits the  
13 offense of violating privacy in communications if the person knowingly or purposely:  
14 (a) with the purpose to terrify, intimidate, threaten, harass, annoy, or offend, communicates with a  
15 person by electronic communication and uses obscene, lewd, or profane language, suggests a lewd or  
16 lascivious act, or threatens to inflict injury or physical harm to the person or property of the person. The use of  
17 obscene, lewd, or profane language or the making of a threat or lewd or lascivious suggestions is prima facie  
18 evidence of an intent to terrify, intimidate, threaten, harass, annoy, or offend.  
19 (b) uses an electronic communication to attempt to extort money or any other thing of value from a  
20 person or to disturb by repeated communications the peace, quiet, or right of privacy of a person at the place  
21 where the communications are received;  
22 (c) records or causes to be recorded a conversation by use of a hidden electronic or mechanical device  
23 that reproduces a human conversation without the knowledge of all parties to the conversation. This subsection  
24 (1)(c) does not apply to:  
25 (i) elected or appointed public officials or to public employees when the transcription or recording is  
26 done in the performance of official duty;  
27 (ii) persons speaking at public meetings; ~~or~~  
28 (iii) persons given warning of the transcription or recording; or  
29 (iv) a health care facility as defined in 50-5-101 or a government agency that deals with health care if  
30 the recording is of a health care emergency TELEPHONE communication made to the facility or agency.

