

HOUSE BILL NO. 368

INTRODUCED BY MENDENHALL, R. BROWN, ROSS, RICE, JOHN BALYEAT, L. JONES, LANGE,
HAWK, KLOCK, KOOPMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING COVERT ENFORCEMENT OF CERTAIN TRAFFIC LAWS."

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

NEW SECTION. Section 1. Covert enforcement prohibited -- definition. (4) A law enforcement officer may not enforce the provisions of this chapter, except the provisions of part 4, WHILE using ~~covert~~ methods.

~~(2) (a) For the purposes of this section, "covert methods" includes the use of:~~

~~(i) a police vehicle, as defined in 61-1-118, that is not equipped with the lights and other equipment required under 61-9-402 and with markings on the vehicle that clearly indicate its use as a police vehicle;~~

~~(ii) automated cameras and other automated devices, unless signs are posted to indicate to motorists that an automated camera or other device is in use;~~

~~(iii) hidden cameras, other than cameras contained in a police vehicle; or~~

~~(iv) any other method of enforcement that is not visible to the public or indicated by signs to be in use.~~

~~(b) covert methods does not include activity by undercover agents or detectives seeking specific suspects or by a law enforcement officer acting on information or tips received from members of the public who have observed a violation or a potential violation. THIS SECTION DOES NOT PROHIBIT THE USE OF AN UNMARKED~~

~~POLICE VEHICLE FOR OTHER LAW ENFORCEMENT PURPOSES, INCLUDING PURSUING AND STOPPING A VEHICLE FOR A PURPOSE OTHER THAN ENFORCING THE PROVISIONS OF THIS CHAPTER THAT CANNOT BE ENFORCED WHILE USING A POLICE VEHICLE THAT IS UNMARKED. THE DEPARTMENT OF JUSTICE SHALL, DURING THE 2 YEARS FOLLOWING [THE EFFECTIVE DATE OF THIS SECTION], PUBLISH THE PROVISIONS OF THIS SECTION IN NEWSPAPERS IN A MANNER THAT GIVES RESIDENTS OF THIS STATE REASONABLE NOTICE OF THE PROVISIONS OF THIS SECTION.~~

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

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