

Date 2-9-05
7
SB 282

Amendments to Senate Bill No. 282
1st Reading Copy

Requested by Senator Gary Perry

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 2, 2005 (12:55pm)

1. Title, line 5.
Following: the second "REQUIRING"
Strike: "CULTURAL"

adopted
2/2

2. Title, line 6.
Following: "OFFICERS;"
Strike: "PROVIDING FOR CIVIL PENALTIES;"

3. Page 2, line 2.
Following: "require"
Strike: "training"
Following: "officers"
Strike: "in cultural sensitivity and bias-based policing"
Insert: "cultural awareness training and training in racial profiling"

adopted
2/2

4. Page 2, line 4 through line 5.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

adopted
2/2

5. Page 2, line 14.
Following: line 13
Insert: "(7) The department of justice shall make periodic reports to the law and justice interim committee regarding the degree of compliance by municipal, county, consolidated local government, and state law enforcement agencies with the requirements of this section."

- END -

1 SENATE BILL NO. 282

2 INTRODUCED BY F. SMITH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW PROHIBITING RACIAL PROFILING;
5 REQUIRING WRITTEN POLICIES AND COMPLAINT PROCEDURES; REQUIRING ~~CULTURAL~~ TRAINING
6 FOR LAW ENFORCEMENT OFFICERS; ~~PROVIDING FOR CIVIL PENALTIES~~; AND AMENDING SECTION
7 44-2-117, 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 44-2-117, MCA, is amended to read:

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13 **"44-2-117. Racial profiling prohibited -- definitions -- policies -- complaints -- training.** (1) A peace

officer may not engage in racial profiling.

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(2) The race or ethnicity of an individual may not be the sole factor in:

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(a) determining the existence of probable cause to take into custody or arrest an individual; or

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(b) constituting a particularized suspicion that an offense has been or is being committed in order to

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justify the detention of an individual or the investigatory stop of a motor vehicle.

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(3) (a) Each municipal, county, consolidated local government, and state law enforcement agency shall

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adopt a detailed written policy that clearly defines the elements constituting racial profiling. Each agency's policy

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must prohibit racial profiling, require that all stops are lawful under 46-5-401, and require that all stops are

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documented according to the agency's standard policies and procedures.

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(b) The policy must include a procedure that the law enforcement agency will use to address written

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complaints concerning racial profiling. The complaint procedure must require that:

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(i) all written complaints concerning racial profiling be promptly reviewed;

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(ii) a person is designated who shall review all written complaints of racial profiling;

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(iii) the designated person shall, within 10 days of receipt of a written complaint, acknowledge receipt

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of the complaint in writing; and

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(iv) after a review is completed, the designated person shall, in writing, inform the person who submitted

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the written complaint and the head of the agency of the results of the review.

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(c) The policy must be available for public inspection during normal business hours.

