

HOUSE BILL NO. 674

INTRODUCED BY M. LANGE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING QUALIFIED OR GOOD FAITH IMMUNITY FOR PERSONS, OTHER THAN GOVERNMENTAL ENTITIES, FOR ALLEGED CONSTITUTIONAL VIOLATIONS."

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

NEW SECTION. Section 1. Nongovernmental qualified or good faith immunity for alleged constitutional violations. (1) To the extent that the courts of this state recognize a claim for violation of the Montana constitution and except as provided in subsection (2), an individual defendant against whom a claim for a violation of the Montana constitution is brought is entitled to the defense of qualified or good faith immunity if the individual's alleged tortious conduct did not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

(2) This section does not apply to or affect the liability of the state or a political subdivision of the state or counties, cities, towns, or other local government entities for allegedly violating the Montana constitution.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

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