

Amendments to House Bill No. 229  
1st Reading Copy

Requested by Representative Steve Lavin

For the House Transportation Committee

Prepared by Dave Bohyer  
February 4, 2015 (9:15am)

1. Title, line 4.

**Strike:** "THAT"  
**Insert:** "WHEN "

2. Title, line 5.

**Strike:** "ONLY" through "EMERGENCY"  
**Following:** ";"  
**Insert:** "AUTHORIZING RULEMAKING;"  
**Strike:** "SECTION"  
**Insert:** "SECTIONS"

3. Title, page 6.

**Following:** "46-5-502"  
**Insert:** "AND 46-5-510"

4. Page 1, line 11.

**Strike:** "When" through "a"  
**Insert:** "A"

5. Page 1, line 15 through line 16.

**Strike:** "Temporary" on line 15 through "purpose." on line 16  
**Insert:** "A temporary roadblock may also be established in response to an active emergency."

(2)(a) A temporary roadblock may be established in an area where a significant number of known causal factors of motor vehicle accidents involving fatalities, injuries, or other serious legal violations are known to have occurred. During a temporary roadblock, verification of a valid driver's license, vehicle registration, and insurance may be required.

(b) Whenever a law enforcement agency conducts a temporary roadblock under this subsection (2):

(i) the discovery of ordinary criminal activity that is purely incidental to the purpose of ensuring roadway safety may be prosecuted; and

(ii) secondary violations may not be enforced."

6. Page 1, line 17.

**Strike:** "(2) Active"  
**Insert:** "(3) The term active"

OVER >

7. Page 1.

**Following:** line 18

**Insert:** "Section 2. Section 46-5-510, MCA, is amended to read:

**"46-5-510. Establishing temporary roadblock -- plan required -- exception.** (1) A written plan for establishing a temporary roadblock pursuant to 46-5-502(2):

(a) must be designed by supervisory officers within the law enforcement agency to ensure motorist safety, minimize motorist inconvenience, and prevent the arbitrary selection of vehicles by providing a schedule for the selection of vehicles to be stopped;

(b) must be approved in advance of conducting the roadblock by supervisory officers within the law enforcement agency who will not be present where a temporary roadblock is conducted;

(c) must ensure that a temporary roadblock is minimally intrusive and does not allow for unconstrained discretion by law enforcement agents performing the roadblock; and

(d) must include:

(i) the purpose of the temporary roadblock;

(ii) the location, date, and time at which the temporary roadblock will be conducted;

(iii) the pattern sequence of vehicles to be stopped;

(iv) a drawing that shows how the spot check will be established;

(v) a copy of the public service announcement to be used to advertise the temporary roadblock; and

(vi) the names of the media to be notified of the temporary roadblock.

(2) All major media outlets in the area where the temporary roadblock is to be performed must be notified at least 48 hours prior to the scheduled temporary roadblock.

(3) This section does not apply to a roadblock established by a law enforcement agency pursuant to 46-5-502(1).

(4) The department of justice may adopt rules to implement the provisions of this part."

*{Internal References to 46-5-510: None. ok/ddb}*"

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