

1 HOUSE BILL NO. 28

2 INTRODUCED BY J. ECK

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF PARDONS AND PAROLE TO
6 VIDEO-RECORD MEETINGS OF THE BOARD AND ALL HEARINGS HELD TO CONSIDER PAROLE,
7 RECISSION, REVOCATION, OR CLEMENCY DECISIONS; REQUIRING THE BOARD TO MAKE THE
8 RECORDINGS PUBLICLY AVAILABLE; AND AMENDING SECTION 46-23-110, MCA."

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

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12 **Section 1.** Section 46-23-110, MCA, is amended to read:

13 **"46-23-110. Records -- dissemination.** (1) (a) The department and the board shall keep a record of
14 the board's acts and decisions. Citizens may inspect and make copies of the public records of the board, as
15 provided in 2-6-102, 2-6-110, and this section.

16 (b) The board shall video-record all meetings held pursuant to 46-23-104(2) and all hearings conducted
17 under part 2 or part 3 of this chapter or 46-23-1025. A video recording may not display the image of a victim who
18 offers testimony at a hearing.

19 (c) Except as provided in subsection (2), the board shall make video recordings publicly available.

20 (2) Records and materials that are constitutionally protected from disclosure are not subject to disclosure
21 under the provisions of subsection (1). Information that is constitutionally protected from disclosure is information
22 in which there is an individual privacy or safety interest that clearly exceeds the merits of public disclosure.

23 (3) Upon a request to inspect or copy records of the board's acts and decisions, the board or a board
24 staff member shall review the file record requested and determine whether any document in the file or any content
25 in a video recording is subject to a personal privacy or safety interest that clearly exceeds the merits of public
26 disclosure.

27 (4) The board may assert the privacy or safety interest and may withhold a document or redact content
28 of a video recording if the board determines that the demand for individual privacy clearly exceeds the merits of
29 public disclosure or if the document's or recording's contents would compromise the safety, order, or security of
30 a facility or the safety of facility personnel, a member of the public, or an inmate of the facility if disclosed.

