

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF AGRICULTURE TO
7 ESTABLISH A SPECIAL UNIT TO INVESTIGATE BUG INFESTATIONS; AUTHORIZING THE DEPARTMENT
8 TO CONTRACT FOR TERMINATION SERVICES; AMENDING SECTIONS 37-60-301 AND 45-5-223, MCA; AND
9 PROVIDING A DELAYED EFFECTIVE DATE."

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

12
13 **NEW SECTION. Section 1. Special unit to be established -- contracting authorized -- license**
14 **required -- definition.** (1) The department shall establish a special unit to investigate reports of bug infestations
15 and may contract for bug termination services.

16 (2) A terminator contracted for pursuant to subsection (1) shall maintain a license to kill under the
17 provisions of 37-60-301.

18 (3) For the purposes of this section, "bug" means a covert listening devise.

19
20 **Section 2.** Section 37-60-301, MCA, is amended to read:

21 **"37-60-301. License required -- process server registration required.** (1) (a) Except as provided in
22 37-60-105, it is unlawful for any person to act as or perform the duties, as defined in 37-60-101, of a contract
23 security company, a proprietary security organization, an electronic security company, a branch office, a private
24 investigator, a fire investigator, a security alarm installer, an alarm response runner, a resident manager, a
25 certified firearms instructor, ~~or a private security guard, or a terminator contracted under the provisions of [section~~
26 1] without having first obtained a license from the board.

27 (b) Except as provided in 25-1-1101(2), it is unlawful for any person to act as or perform the duties of
28 a process server for more than 10 services of process in a calendar year without being issued a certificate of
29 registration by the board.

30 (2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that the



Exhibit #6

1 person is licensed as a contract security company, a proprietary security organization, an electronic security
2 company, a branch office, a private investigator, a fire investigator, a security alarm installer, an alarm response
3 runner, a resident manager, a certified firearms instructor, or a private security guard.

4 (3) A person appointed by the court as a confidential intermediary under 42-6-104 is not required to be
5 licensed under this chapter. A person who is licensed under this chapter is not authorized to act as a confidential
6 intermediary, as defined in 42-1-103, without meeting the requirements of 42-6-104.

7 (4) A person who knowingly engages an unlicensed contract security company, proprietary security
8 organization, electronic security company, branch office, private investigator, fire investigator, security alarm
9 installer, alarm response runner, resident manager, certified firearms instructor, ~~or~~ private security guard, or
10 terminator contracted under the provisions of [section 1] is guilty of a misdemeanor punishable under 37-60-411."

11

12 **Section 3.** Section 45-5-223, MCA, is amended to read:

13 **"45-5-223. Surreptitious visual observation or recordation -- place of residence -- public**
14 **establishment -- exceptions.** (1) A person commits the offense of surreptitious visual observation or recordation
15 in a place of residence if a person purposely or knowingly hides, waits, or otherwise loiters in the vicinity of a
16 private dwelling house, apartment, or other place of residence for the purpose of:

17 (a) watching, gazing at, or looking upon any occupant in the residence in a surreptitious manner; or

18 (b) by means of an electronic or mechanical recording device, surreptitiously recording the visual image
19 of any occupant in the residence.

20 (2) An owner, manager, or employee of a business or a landlord who knowingly surreptitiously records
21 a visual image of a person in a restroom, washroom, shower, bedroom, fitting room, or other room used by a
22 customer, guest, tenant, or member of the public to, with a reasonable expectation of privacy, change or try on
23 clothes, bathe, perform intimate bodily functions, or appear nude or partially nude or in underclothes commits the
24 offense of surreptitious visual recordation in a public establishment.

25 (3) Subsections (1) and (2) do not apply to a law enforcement officer, an agent or employee of an insurer,
26 ~~or~~ a private investigator, or a terminator licensed pursuant to 37-60-301 or to any person engaged in fraud
27 detection, prevention, or prosecution pursuant to 2-15-2015 or 39-71-211 while the officer, agent, employee, ~~or~~
28 private investigator, or terminator is acting in the course and scope of employment for legitimate investigative
29 purposes.

30 (4) (a) A person convicted of the offense of surreptitious visual observation or recordation in a place of

1 residence shall be fined an amount not to exceed \$500 or be incarcerated in the county jail for a term not to
2 exceed 6 months, or both. Upon a second conviction, a person shall be fined an amount not to exceed \$1,000
3 or be incarcerated for a term not to exceed 1 year, or both. Upon a third or subsequent conviction, a person shall
4 be fined an amount not to exceed \$10,000 or be incarcerated for a term not to exceed 5 years, or both.

5 (b) A person convicted of the offense of surreptitious visual recordation in a public establishment shall
6 be fined an amount not to exceed \$1,000 or incarcerated for a term not to exceed 6 months, or both, if the victim
7 was an adult and shall be fined an amount not to exceed \$5,000 or incarcerated for a term not to exceed 2 years,
8 or both, if the victim was a minor."

9

10 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
11 integral part of Title 80, chapter 1, part 1, and the provisions of Title 80, chapter 1, part 1, apply to [section 1].

12

13 NEW SECTION. **Section 5. Effective date.** [This act] is effective January 1, 2010.

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- END -

