

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Department of Agriculture

A Bill for an Act entitled: "An Act requiring the department of agriculture to establish a special unit to investigate bug infestations; authorizing the department to contract for termination services; and amending sections 37-60-301 and 45-5-223, MCA."

Be it enacted by the Legislature of the State of Montana:

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

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

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

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

**"37-60-301. License required -- process server registration required.** (1) (a) Except as provided in 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 security company, a proprietary security organization, an electronic security company, a branch office, a private investigator, a fire investigator, a security alarm installer, an alarm response runner, a resident manager, a certified firearms instructor, or a private security guard, or a terminator contracted under the provisions of [section 1] without having first obtained a license from the board.

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

(2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that the person is licensed as a contract security company, a proprietary security organization, an electronic security company, a branch office, a private investigator, a fire investigator, a security alarm installer, an alarm response runner, a resident manager, a certified firearms instructor, or a private security guard.

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

(4) A person who knowingly engages an unlicensed contract security company, proprietary security organization, electronic security company, branch office, private investigator, fire investigator, security alarm installer, alarm response runner,

resident manager, certified firearms instructor, or private security guard, or terminator contracted under the provisions of [section 1] is guilty of a misdemeanor punishable under 37-60-411."

{Internal References to 37-60-301:  
x45-5-223 }

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

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

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

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

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

offense of surreptitious visual recordation in a public establishment.

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

(4) (a) A person convicted of the offense of surreptitious visual observation or recordation in a place of residence shall be fined an amount not to exceed \$500 or be incarcerated in the county jail for a term not to exceed 6 months, or both. Upon a second conviction, a person shall be fined an amount not to exceed \$1,000 or be incarcerated for a term not to exceed 1 year, or both. Upon a third or subsequent conviction, a person shall be fined an amount not to exceed \$10,000 or be incarcerated for a term not to exceed 5 years, or both.

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

{Internal References to 45-5-223: None.}

NEW SECTION. Section 4. {standard} Codification

instruction. [Section 1] is intended to be codified as an integral part of Title 80, chapter 1, part 1, and the provisions of Title 80, chapter 1, part 1, apply to [section 1].

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