

HOUSE BILL NO. 327
INTRODUCED BY C. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT, EXCEPT IN CERTAIN CASES, THE PUBLIC HAS A RIGHT TO KNOW THE CONTENTS OF DOCUMENTS IN A CIVIL ACTION, INCLUDING THE CONTENTS OF A SETTLEMENT AGREEMENT."

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

NEW SECTION. Section 1. Right to examine documents in civil actions, including settlement agreements -- exceptions. (1) The legislature declares that pleadings, motions, and other documents filed in civil actions are generally public documents filed in proceedings that are open to the public and that the public has the right under the state constitution to examine documents of all public bodies and agencies of the state government and its subdivisions, including courts, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

(2) Except as provided in subsection (3), a document in a civil action, including a document setting forth a settlement, is a public document and is open to the public for inspection. Neither a party nor the court or any other person or entity may prevent the public from exercising its right to examine a document by keeping the document secret, sealing the court record, or in any other manner preventing or hindering public inspection of a document.

(3) Subsection (2) does not apply to a document, including a settlement agreement:

(a) in a proceeding relating to termination of marriage, separation, or a contested probate of an estate;

or

(b) if the court specifically finds, upon a person's or entity's request to examine a document, that the demand of individual privacy of a party to the action or a person or entity referred to in a settlement agreement or other document clearly exceeds the merits of public disclosure.

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