

HOUSE BILL NO. 443

INTRODUCED BY D. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING GOVERNMENT ENTITIES FROM ASSISTING FEDERAL AGENCIES IN THE COLLECTION OF ELECTRONIC DATA WITHOUT A WARRANT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Prohibition on assistance to federal agencies engaged in illegal collection of electronic data or metadata. A government entity may not assist, participate in, or provide material support or resources to enable or facilitate the collection or use by a federal agency of a person's electronic data or metadata without that person's informed consent, without a search warrant based on probable cause that particularly describes the person, place, or thing to be searched or seized, or without acting in accordance with a judicially recognized exception to the warrant requirement.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 5, part 1, and the provisions of Title 46, chapter 5, part 1, apply to [section 1].

NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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