

HOUSE JOINT RESOLUTION NO. 30

INTRODUCED BY M. DUNWELL

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM COMMITTEE TO EXAMINE EXEMPTING VICTIMS OF DOMESTIC VIOLENCE FROM THE PRIVACY IN COMMUNICATIONS STATUTE TO ALLOW RECORDING OF INCIDENTS OF ABUSE; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, Montana law provides a criminal penalty for a person who records a conversation with an electronic or mechanical device if all parties to the conversation do not have knowledge that the conversation is being recorded; and

WHEREAS, this law prevents victims of domestic violence from recording incidents that could otherwise bolster the victim's argument in court; and

WHEREAS, an individual's rights to privacy and due process must be balanced with the interests of society and the victim in justice, and an interim committee would be best placed to study and involve stakeholders in a discussion of how to achieve this balance; and

WHEREAS, a committee could also weigh the complexities of potential changes to the law more thoroughly by involving stakeholders in a broader discussion than the session allows.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to weigh the options to create an exception to the privacy in communication statute for domestic violence victims and to allow these recordings to be admissible as evidence in court.

BE IT FURTHER RESOLVED, that the study involve representatives of Montana's district courts and courts of limited jurisdiction, prosecutors, defense attorneys, advocates for victims of domestic violence, privacy advocates, and other appropriate stakeholders identified by the interim committee.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.



