

1 SENATE BILL NO. 373

2 INTRODUCED BY D. SANDS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SEXUAL OFFENDERS;
6 PROVIDING THAT THE NAME AND ADDRESS OF CERTAIN LEVEL 1 SEXUAL OFFENDERS ARE
7 AVAILABLE TO VICTIMS BUT ARE NO LONGER PUBLISHED AND AVAILABLE TO THE PUBLIC;
8 PROVIDING THAT LEVEL 1 SEXUAL OFFENDERS ARE STILL REQUIRED TO REGISTER ON THE
9 SEXUAL AND VIOLENT OFFENDER REGISTRY; AND AMENDING SECTION 46-23-508, MCA."

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

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13 **Section 1.** Section 46-23-508, MCA, is amended to read:

14 **"46-23-508. Dissemination of information.** (1) Information maintained under this part is confidential
15 criminal justice information, as defined in 44-5-103, except that:

16 (a) the name and address of a sexual offender must be available to the victim in the conviction that
17 caused the offender to be required to register. In the case of multiple victims or multiple convictions requiring
18 registration regarding the same offender, all victims of the offender are entitled to the offender's name and
19 address.

20 ~~(a)(b)~~ (i) the name and address of a registered sexual or violent offender are is public criminal justice
21 information, as defined in 44-5-103; and

22 (ii) the name and address of a certain registered level 1 sexual offender as provided in subsection
23 (1)(c)(ii), and a registered level 2 or 3 sexual offender are public criminal justice information as defined in 44-5-
24 103; and

25 ~~(b)(c)~~ the department of justice or the registration agency shall release any offender registration
26 information that it possesses relevant to the public if the department of justice or the registration agency
27 determines that a registered offender is a risk to the safety of the community and that disclosure of the
28 registration information that it possesses may protect the public and, at a minimum:

1 (i) if the offender is also a violent offender, the department of justice shall and the registration agency
2 may disseminate to the victim and the public:

3 ~~(A)(A)~~ the offender's name; and

4 ~~(B)(B)~~ the offenses for which the offender is required to register under this part;

5 ~~(ii) if an offender was given a level 1 designation under 46-23-509, the department of justice shall and
6 the registration agency may disseminate to the victim and the public:~~

7 ~~(A) the offender's address;~~

8 ~~(B) the name, photograph, and physical description of the offender;~~

9 ~~(C) the offender's date of birth; and~~

10 ~~(D) the offenses for which the offender is required to register under this part;~~

11 ~~(iii)(ii)~~ if an offender was given a level 1 designation and committed an offense against a minor or was
12 given a level 2 designation under 46-23-509, the department of justice shall and the registration agency may
13 disseminate to the victim and the public:

14 (A) the offender's address;

15 (B) the type of victim targeted by the offense;

16 (C) the name, photograph, and physical description of the offender;

17 (D) the offender's date of birth;

18 (E) the license plate number and a description of any motor vehicle owned or operated by the
19 offender;

20 (F) the offenses for which the offender is required to register under this part; and

21 (G) any conditions imposed by the court upon the offender for the safety of the public; and

22 ~~(iv)(iii)~~ if an offender was given a level 3 designation under 46-23-509, the department of justice and
23 the registration agency shall give the victim and the public notification that includes the information contained in
24 subsection ~~(1)(b)(iii)~~ (1)(c)(ii). The notification must also include the date of the offender's release from
25 confinement or, if not confined, the date the offender was sentenced, with a notation that the offender was not
26 confined, and must include the community in which the offense occurred.

27 ~~(e)(d)~~ prior to release of information under subsection ~~(1)(b)~~ (1)(c), a registration agency may, in its
28 sole discretion, request an in camera review by a district court of the determination by the registration agency

1 under subsection ~~(1)(b)~~ (1)(c). The court shall review a request under this subsection ~~(1)(e)~~ (1)(d) and shall, as
2 soon as possible, render its opinion so that release of the information is not delayed beyond release of the
3 offender from confinement.

4 (2) The identity of a victim of an offense for which registration is required under this part may not be
5 released by a registration agency without the permission of the victim.

6 (3) Dissemination to the public of information allowed or required by this section may be done by
7 newspaper, paper flyers, the internet, or any other media determined by the disseminating entity. In determining
8 the method of dissemination, the disseminating entity should consider the level of risk posed by the offender to
9 the public.

10 (4) The department of justice shall develop a model community notification policy to assist registration
11 agencies in implementing the dissemination provisions of this section."

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