1   HOUSE BILL NO. 780

2   INTRODUCED BY B. LER, B. MITCHELL, P. FIELDER, A. REGIER, R. MARSHALL, J. BERGSTROM, B.

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5   A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A LAW ENFORCEMENT OFFICER BILL OF

6   RIGHTS; LIMITING WHAT INFORMATION ABOUT A LAW ENFORCEMENT OFFICER MAY BE PROVIDED

7   TO THE NEWS MEDIA OR REQUIRED BY AN OFFICER'S EMPLOYER."

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

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11   NEW SECTION. **Section 1.   Definitions.** As used in [sections 1 through 3], the following definitions

12   apply:

13   (1)   "Law enforcement agency" has the meaning provided in 7-32-201.

14   (2)   "Law enforcement officer" has the meaning provided in 7-32-201.

15   (3)   "Person" has the meaning provided in 1-1-201.

16   (4)   "State agency" means a department, board, commission, office, bureau, institution, or unit of

17   state government recognized in the state budget.

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19   NEW SECTION. **Section 2.   Limitation on release of law enforcement officer photos or personal**

20   **information -- exceptions.** (1) A person, state agency, or law enforcement agency may not intentionally

21   release to the news media a law enforcement officer's home address, personal phone number, or any other

22   personal information that may otherwise be considered confidential without the written consent of the law

23   enforcement officer.

24   (2)   (a) Except as provided in subsection (2)(b), a ~~person,~~ state agency~~,~~ or law enforcement agency

25   may not publicly release a photograph of a law enforcement officer.

26   (b)   (i) A state agency or law enforcement agency may display a photograph of a law enforcement

27   officer to a prospective witness as part of an agency or unit investigation or if the law enforcement officer has

1   been arrested.

2   (ii)   A state agency or law enforcement agency may release a photograph of a law enforcement

3   officer if the law enforcement officer provides written permission.

4   (III)   A STATE AGENCY OR LAW ENFORCEMENT AGENCY MAY PROVIDE A LAW ENFORCEMENT OFFICER THE

5   OPPORTUNITY TO SIGN A ONE-TIME WAIVER TO OPT IN TO ALLOWING THE USE OF THE LAW ENFORCEMENT OFFICER'S

6   PHOTO.

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8   NEW SECTION. **Section 3.   Limitation on certain law enforcement officer financial disclosures --**

9   **exceptions.** (1) Except as provided in subsection (2), a state agency or law enforcement agency may not

10   request of or require of a law enforcement officer for a job assignment or other personnel action any information

11   on the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic

12   expenditures, including those of any member of the law enforcement officer's family or household.

13   (2)   A state agency or law enforcement agency may request or require the information listed in

14   subsection (1) if the information:

15   (a)   is obtained or required under state law or proper legal procedure, including but not limited to 2-

16   2-106;

17   (b)   tends to indicate a conflict of interest with respect to the performance of the law enforcement

18   officer's duties; or

19   (c)   is necessary for the law enforcement officer's employing agency to ascertain the desirability of

20   assigning the law enforcement officer to a specialized unit ~~in which there is a strong possibility that bribes or~~

21   ~~other improper inducements may be offered~~, TASK FORCE, OR OTHER COORDINATED LAW ENFORCEMENT AGENCY

22   EFFORT;

23   (D)   IS REQUIRED AS PART OF A BACKGROUND CHECK DURING THE HIRING PROCESS; OR

24   (E)   IS NECESSARY AS PART OF A BACKGROUND CHECK TO OBTAIN A TOP-SECRET CLEARANCE.

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26   NEW SECTION. **Section 4.   Codification instruction.** [Sections 1 through 3] are intended to be

27   codified as an integral part of Title 44, and the provisions of Title 44 apply to [sections 1 through 3].

Legislative Services Division