

1 HOUSE BILL NO. 780
2 INTRODUCED BY B. LER, B. MITCHELL, P. FIELDER, A. REGIER, R. MARSHALL, J. BERGSTROM, B.
3 PHALEN, L. DEMING, T. SMITH, N. DURAM
4

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."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10

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.

18
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 release to the
21 news media a law enforcement officer's home address, personal phone number, or any other personal
22 information that may otherwise be considered confidential without the written consent of the law enforcement
23 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

Amendment - 1st Reading/2nd House-blue - Requested by: Jeremy Trebas - (S) Local Government

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0780.002.003

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.

7 (3) Nothing in this section may be construed to violate, restrict, or interfere with the provisions of
8 Title 2, chapter 6, for public information requests.

9
10 **NEW SECTION. Section 3. Limitation on certain law enforcement officer financial disclosures --**
11 **exceptions.** (1) Except as provided in subsection (2), a state agency or law enforcement agency may not
12 request of or require of a law enforcement officer for a job assignment or other personnel action any information
13 on the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic
14 expenditures, including those of any member of the law enforcement officer's family or household.

15 (2) A state agency or law enforcement agency may request or require the information listed in
16 subsection (1) if the information:

17 (a) is obtained or required under state law or proper legal procedure, including but not limited to 2-
18 2-106;

19 (b) tends to indicate a conflict of interest with respect to the performance of the law enforcement
20 officer's duties; or

21 (c) is necessary for the law enforcement officer's employing agency to ascertain the desirability of
22 assigning the law enforcement officer to a specialized unit ~~in which there is a strong possibility that bribes or~~
23 ~~other improper inducements may be offered,~~ TASK FORCE, OR OTHER COORDINATED LAW ENFORCEMENT AGENCY
24 EFFORT;

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

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

27 (3) Nothing in this section may be construed to violate, restrict, or interfere with the provisions of

Amendment - 1st Reading/2nd House-blue - Requested by: Jeremy Trebas - (S) Local Government

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0780.002.003

1 [Title 2, chapter 6, for public information requests.](#)

2

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

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

5

- END -

AMENDED