

1 _____ BILL NO. _____

2 INTRODUCED BY _____

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING AND PENALIZING WARRANTLESS
5 SURVEILLANCE WITHIN MONTANA; CREATING THE OFFENSE OF SURVEILLANCE STALKING; AND
6 PROVIDING A DEFINITION."

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

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10 NEW SECTION. **Section 1. Warrantless surveillance prohibited -- surveillance stalking --**

11 **definition.** (1) Surveillance without a warrant or reasonable suspicion that a crime has been, is being, or will
12 soon be committed is prohibited within the boundaries of the state.

13 (2) A federal, state, or local law enforcement agency or officer may not surveil a person within the
14 boundaries of the state without a warrant or reasonable suspicion that a crime has been, is being, or will soon
15 be committed.

16 (3) A law enforcement officer who surveils a person within the boundaries of the state without a
17 warrant or articulable reasonable suspicion that a crime has been, is being, or will soon be committed is guilty
18 of surveillance stalking. A person convicted of the offense of surveillance stalking shall be imprisoned in the
19 state prison for a term not to exceed 1 year or be fined an amount not to exceed \$1,000, or both.

20 (4) As used in this section, "surveil" means to monitor or record the statements, movements, or
21 activities of a person in real time.

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23 NEW SECTION. **Section 2. Severability.** If a part of [this act] is invalid, all valid parts that are
24 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
25 the part remains in effect in all valid applications that are severable from the invalid applications.

26 - END -