

HOUSE BILL NO. 710

INTRODUCED BY K. LOVE, L. SCHUBERT, M. VINTON, E. BYRNE, R. GREGG, T. MANZELLA, N. NICOL,
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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE JUDICIARY;
ALLOWING A SUPREME COURT JUSTICE OR DISTRICT COURT JUDGE TO ISSUE SUBPOENAS
REQUESTED BY AN INTERNET CRIMES AGAINST CHILDREN TASK FORCE OFFICER; ~~ALLOCATING~~
~~THE JUDICIAL STANDARDS COMMISSION TO THE DEPARTMENT OF JUSTICE FOR ADMINISTRATIVE~~
~~PURPOSES; PROHIBITING A JUDGE ON THE JUDICIAL STANDARDS COMMISSION FROM SERVING AS~~
~~PRESIDING OFFICER OF THE COMMISSION; ESTABLISHING THE BURDEN OF PROOF FOR A CLAIM~~
~~THAT A LEGISLATIVE ACT VIOLATES THE MONTANA CONSTITUTION; PROVIDING A DEFINITION;~~
~~AMENDING SECTIONS 3-1-1101 AND 3-2-701, MCA; AND PROVIDING EFFECTIVE DATES AN EFFECTIVE~~
DATE."

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

NEW SECTION. Section 1. Issuance of subpoena by certain officers -- definition. (1) When an internet crimes against children task force officer has a duty to investigate an offense that involves the sexual exploitation of a minor, a justice of the supreme court or a district court judge of this state may cause subpoenas to be issued commanding the persons to whom they are directed to appear before the internet crimes against children task force officer and give testimony and produce books, records, papers, documents, and other objects as may be necessary and proper to the investigation.

(2) A subpoena under this section may be issued only when it relates to an investigation of an offense that involves the sexual exploitation of a minor and it appears on the affidavit of the internet crimes against children task force officer that the administration of justice requires it to be issued.

(3) A subpoena under this section may require the production of the following records or other documentation relevant to the investigation:

(a) name of an account holder;

- 1 (b) billing and service address;
- 2 (c) electronic mail address;
- 3 (d) internet user name;
- 4 (e) telephone number;
- 5 (f) internet protocol address;
- 6 (g) account status;
- 7 (h) source of payment for the service, including a credit card or bank account number;
- 8 (i) method of access to the internet; and
- 9 (j) automatic number identification records, if internet access is by modem.

10 (4) For the purposes of this section, "internet crimes against children task force officer" means a
11 peace officer, as defined in 45-2-101, who is assigned to the internet crimes against children task force that is
12 located in the state and recognized by the United States department of justice.

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15 **Section 2.** Section 3-1-1101, MCA, is amended to read:

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17 ~~"3-1-1101. Creation and composition of commission --ALLOCATION-- (1) There is created a judicial~~
18 ~~standards commission consisting of five members as follows:~~

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20 (a) ~~two district court judges appointed by the speaker of the house as provided in 3-1-1115 and~~
21 ~~confirmed by the senate;~~

22 (b) ~~one attorney who has practiced law in this state for at least 10 years, appointed by the attorney~~
23 ~~general and confirmed by the senate; and~~

24 (c) ~~two citizens who are not attorneys or judges of any court, active or retired, appointed by the~~
25 ~~governor and confirmed by the senate.~~

26 (2) ~~Members shall serve staggered 4-year terms.~~

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28 (3) ~~The judicial standards commission is allocated to the department of justice for administrative~~

1 ~~purposes only as prescribed in 2-15-121. However, the commission may hire its own personnel, and 2-15-~~
2 ~~121(2)(d) does not apply.~~

3 ~~(4) — The judicial standards commission shall exercise its functions independently of the department~~
4 ~~and without approval or control of the department.~~

5 ~~(5) — A district court judge may not serve as the presiding officer of the commission."~~

7 **Section 3** ~~—~~ Section 3-2-701, MCA, is amended to read:

9 **"3-2-701. Power of court over rules** ~~—~~ **DEFERENCE TO LEGISLATIVE ACTS** ~~—~~ (1) The supreme court of
10 this state shall have the power to ~~may~~ regulate the pleading, practice, ~~and~~ procedure, and the forms thereof ~~of~~
11 ~~these~~, in civil actions in all courts of this state by rules promulgated by it ~~the supreme court~~ from time to time for
12 the purpose of simplifying judicial proceedings in the courts of Montana and for promoting the speedy
13 determination of litigation upon ~~on~~ its merits. Such ~~The~~ rules shall ~~may~~ not abridge, enlarge, or modify the
14 substantive rights of any litigant and shall ~~may~~ not be inconsistent with the constitution of the state of Montana.

15 ~~(2) — Except in cases in which the state constitution explicitly mandates a different standard of~~
16 ~~review, if in a proceeding before a Montana court a party challenges a state legislative act as violative of the~~
17 ~~state constitution, the supreme court shall uphold the legislative act unless the challenger demonstrates that the~~
18 ~~legislative act is unconstitutional beyond a reasonable doubt."~~

20 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
21 integral part of Title 46, chapter 4, and the provisions of Title 46, chapter 4, apply to [section 1].

24 **NEW SECTION. Section 5** ~~—~~ **Severability.** If a part of [this act] is invalid, all valid parts that are
25 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
26 the part remains in effect in all valid applications that are severable from the invalid applications ~~—~~

28 **NEW SECTION. Section 3. Effective dates** DATE. (1) Except as provided in subsections (2) and (3),

1 ~~[t his [THIS act] is effective October 1, 2025.~~

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3 ~~(2) — [Section 1] and this section are effective on passage and approval.~~

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5 ~~(3) — [Section 2] is effective July 1, 2025.~~

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