

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
5 AMENDMENT TO ARTICLE XIII OF THE MONTANA CONSTITUTION TO REGULATE CHILD
6 PORNOGRAPHY BY ALLOWING THE STATE AND LOCAL GOVERNMENTS TO OUTLAW AND PUNISH
7 THE PRACTICE AND BY CREATING A PRIVATE RIGHT OF ACTION TO ENFORCE THE VIOLATIONS OF
8 FEDERAL CHILD PORNOGRAPHY LAWS; AND PROVIDING AN EFFECTIVE DATE."

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

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12 NEW SECTION. Section 1. Article XIII of The Constitution of the State of Montana is amended by
13 adding a new section 8 that reads:

14 **"Section 8. Child pornography and criminal racketeering.** (1) Nothing in the constitution or the
15 laws of this state may be construed to establish a right to distribute or receive child pornography in violation of
16 federal racketeering laws or to engage in any other criminal racketeering activity, as defined by federal law,
17 notwithstanding any other provision of the constitution or laws of this state.

18 (2) The state of Montana and every county, city, town, or any other local government entity has the
19 power to outlaw and punish the distribution or receipt of child pornography that violates federal racketeering
20 laws and any other criminal racketeering activity, as defined by federal law, notwithstanding any other provision
21 of the constitution or laws of this state.

22 (3) Any person has standing to sue and may sue to enjoin an individual or entity that distributes or
23 receives child pornography in violation of federal racketeering laws or that engages in any other criminal
24 racketeering activity, as defined by federal law, or that knowingly aids or abets these activities, notwithstanding
25 any other provision of the constitution or laws of this state. The courts shall award injunctive relief and
26 reasonable attorney fees to a plaintiff who prevails in an action taken pursuant to this section, notwithstanding
27 any other provision in the constitution or laws of this state."

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