

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE REGULATION OF SECURE YOUTH
5 TRANSPORTATION COMPANIES; REQUIRING A SECURE YOUTH TRANSPORTATION COMPANY TO
6 REGISTER ANNUALLY WITH THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES;
7 REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PUBLISH A LIST OF
8 REGISTERED SECURE YOUTH TRANSPORT PROVIDERS; REQUIRING A SECURE YOUTH
9 TRANSPORTATION COMPANY TO NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN
10 SERVICES WHEN THE COMPANY PLANS TO TRANSPORT A CHILD IN THE STATE; REQUIRING THE
11 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO MAINTAIN RECORDS OF TRANSPORTS
12 CONDUCTED BY SECURE YOUTH TRANSPORTATION COMPANIES AND PROVIDE ACCESS TO THE
13 RECORDS TO A PERSON WHO WAS THE SUBJECT OF A TRANSPORT AND TO THE DEPARTMENT OF
14 JUSTICE FOR THE PURPOSE OF INVESTIGATING AND PROSECUTING HUMAN TRAFFICKING CASES;
15 PROHIBITING A SECURE YOUTH TRANSPORTATION COMPANY FROM USING CHEMICAL OR
16 PHYSICAL RESTRAINTS OR VISUALLY IMPAIRING A CHILD; AND PROVIDING DEFINITIONS."

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

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20 NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 3], the following
21 definitions apply:

22 (1) "Chemical restraint" means the use of a drug or medication to control behavior or restrict the
23 program participant's freedom of movement THAT is not a standard treatment for the program participant's
24 medical or psychiatric condition.

25 (2) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of the
26 free movement of an individual's arms, legs, or head.

27 (3) (A) "Secure youth transportation company" means a private business or nonprofit that
28 specializes in the transport of children.

1 (B)_____ The term does not include the transport of a child by a law enforcement officer, department
2 employee, or other public employee in the course of that officer or employee's official duties.

3 (4) "Visually impair" means the use of AN item that limits or impairs the vision of a person, such as
4 a hood or blindfold.

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6 NEW SECTION. **Section 2. Secure youth transportation company -- registration -- duties of**
7 **department.** (1) (a) A secure youth transportation company shall register with the department of public health
8 and human services annually and shall pay an annual fee prescribed by the department.

9 (b) The department shall provide a form for the registration of a secure youth transportation
10 company that includes:

11 (i) the name of the company;

12 (ii) the name of each owner of the company;

13 (iii) each state in which the company is registered as a business and its business license number
14 or equivalent identifier in each state;

15 (iv) the license plate number of each vehicle used by the company to transport youth and the state
16 where each vehicle is registered;

17 (v) a notice that secure youth transport providers are required to comply with the provisions of
18 [sections 1 through 3]; and

19 (vi) any additional information required by the department to protect the welfare and safety of
20 children and to prevent human trafficking.

21 (2) The department shall publish a list of registered secure youth transport providers publicly on its
22 website and update the list at least once each quarter.

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24 NEW SECTION. **Section 3. Human trafficking prevention -- child welfare protection -- duties of**
25 **secure youth transportation company -- duties of department of public health and human services.** (1) A
26 minimum of 48 hours before a transport occurs, a secure youth transportation company shall notify the
27 department of public health and human services on an electronic form prescribed by the department that the
28 company intends to transport a child to a location in the state or that it is transporting a child through the state.

1 The electronic form must include:

- 2 (a) the name, age, and birth date of the child who is the subject of the transport;
- 3 (b) the name and contact information for the child's parent or guardian;
- 4 (c) the name of the secure youth transportation company;
- 5 (d) the first and last name of each employee of the secure youth transportation company involved
- 6 in the transport;
- 7 (e) where the company will pick up and leave the child; and
- 8 (f) any additional information required by the department to prevent human trafficking and to
- 9 protect the safety and welfare of the child who is the subject of the transport.
- 10 (2) (a) The department of public health and human services shall maintain a record of a notification
- 11 required under subsection (1) for a minimum of 10 years.
- 12 (b) The department shall grant the department of justice access to all records of notifications
- 13 required under subsection (1) for the purpose of investigating and prosecuting human trafficking cases.
- 14 (c) The department shall grant a person access to a record of a notification required under
- 15 subsection (1) if the person was the subject of the transport.
- 16 (3) A secure youth transportation company shall tell the child the name of the company and the
- 17 first and last name of each employee involved in the transport.
- 18 (4) A secure youth transportation company may not:
- 19 (a) use a physical restraint or a chemical restraint or visually impair a child; and
- 20 (b) pick up a child for transport between the hours of 9 p.m. and 6 a.m.

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

23 codified as an integral part of Title 52, chapter 2, and the provisions of Title 52, chapter 2, apply to [sections 1

24 through 3].

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