



## Enacted Legislation Related to Law and Justice Interim Committee (LJIC) Topics

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The 2023 Legislature considered numerous bills related to law and justice topics. This paper summarizes those bills, excluding any provisions in House Bill 2. Although a bill might fit in more than one topic area, it is only listed once. Information about each bill, including links to hearings held on the bill, can be found at the legislative website: <https://leg.mt.gov/>.

### Civil Procedure

- [HB 410](#) Establishes a time limit for service of process, requiring that a plaintiff make service of process no later than 2 years after filing a complaint
- [HB 518](#) Provides the Legislature standing to sue or defend a lawsuit on its own behalf and establishes procedures for doing so
- [SB 107](#) Revises laws related to civil liability for injuries involving alcohol, establishing that a person or entity that furnishes alcohol may not be found civilly liable for injury or damages arising from an event involving the person who consumed the beverage
- [SB 134](#) Revises injunction laws and provides additional deadlines for temporary restraining orders without notice
- [SB 135](#) Revises injunction laws and provides that an injunction may not be granted regarding an administrative rule before the rule is issued
- [SB 136](#) Revises injunction laws and provides that, if a construction project is enjoined, that the property may be secured and protected from damage
- [SB 218](#) Revises laws related to civil settlements, providing that a party to a settlement may not demand that damages be classified in a certain category of damages unless the parties agree
- [SB 236](#) Establishes standards to be satisfied by a third-party claimant when delivering a written time-limited demand to a commercial insurer
- [SB 269](#) Establishes the Litigation Financing Transparency and Consumer Protection Act
- [SB 278](#) Authorizes legislative officer intervention in declaratory judgment action, allowing a primary sponsor who voted for the legislation at issue the right to intervene

- [SB 279](#) Revises applicability of offer of settlement law to actions or claims in the amount of \$3 million
- [SB 286](#) Increases the value of probate estates capable of collection of personal property by affidavit to \$100,000
- [SB 507](#) Revises various procedures of the county and state tax appeal boards, requiring former employees of Department of Revenue (DOR) to wait a period before being appointed, and revising property tax payments to allow delinquent property taxes to be paid without paying current year taxes

## **Corrections**

- [HB 174](#) Requires that certain costs paid by an arresting agency or the department of corrections to the operator of a detention center be based on actual costs
- [HB 426](#) Revises laws relating to inmates approaching parole eligibility or discharge, providing that a prisoner who is within 14 months of parole eligibility may be transferred to a prerelease or treatment center for purposes of preparing the prisoner for release into the community
- [HB 639](#) Establishes that a purpose of the department of corrections is to monitor and minimize recidivism
- [HB 689](#) Revises laws related to probation and parole, eliminating the requirement to use compliance or noncompliance violations in requests to revoke probation
- [HB 941](#) Establishes a dog training and socialization program in the state prison
- [SB 7](#) Allows county detention centers to join the Department of Corrections (DOC) telecommunications contract
- [SB 11](#) Requires the development of a criminal justice data warehouse to receive, store, secure, and maintain data from contributing entities, and establishes project priorities for Montana Board of Crime Control (MBCC) during the 23-24 interim
- [SB 68](#) Provides that coroners who are peace officers may conduct inquests regarding deaths in a prison or correctional facility
- [SB 94](#) Creates a registry for recovery residences in Montana, requires certification for residences to receive rental vouchers and transitional assistance funds from the DOC
- [SB 166](#) Exempts barbering services in prisons and detention centers from licensing laws

- [SB 171](#) Authorizes the DOC to distribute an inmate's trust account funds and tangible personal property to a named beneficiary after an inmate dies while incarcerated
- [SB 363](#) Authorizes corrections officers to detain persons on the property of adult or juvenile state correctional facilities in certain situations
- [SB 458](#) Defines sex in Montana law
- [SJ 3](#) Joint resolution supporting the Justice Counts metrics

### **Crimes and Criminal Procedure**

- [HB 18](#) Establishes missing persons response team training grant program
- [HB 38](#) Revises theft laws to enumerate theft of a light vehicle
- [HB 63](#) Limits liability related to members of the armed forces and the Montana National Guard for emergency care rendered at the scene of an accident and provides an affirmative defense in criminal actions of justifiable force in defense of military equipment and information
- [HB 79](#) Creates a sexual assault response network program and committee
- [HB 83](#) Transfers the administration of the Family Violence Prevention Services Act (FVPSA) Grant from the Department of Health and Human Services (DPHHS) to MBCC, consolidating the grant administration with other domestic violence grants
- [HB 92](#) Allows DOJ to accept a licensed addiction counselor's assessment in determining whether to restore driving privileges for individuals convicted of an offense involving DUI
- [HB 111](#) Makes dependency and neglect cases and involuntary commitment cases automatically eligible for public defender services
- [HB 112](#) Revises human trafficking laws to provide definitions of sex trafficking, labor trafficking, aggravated sex trafficking, and child sex trafficking
- [HB 161](#) Updates computer crime laws, providing definitions and revising the offense of unlawful use of a computer
- [HB 163](#) Extends the Missing Indigenous Persons task force
- [HB 173](#) Revises voting system laws, requiring manufacturer certification, prohibiting modems and other unauthorized communication devices, and providing a penalty for tampering

- [HB 183](#) Revises the Crime Victims Compensation Act to increase reasonable funeral expenses for the victim from \$3,500 to \$10,000
- [HB 234](#) Revises law related to the public display or dissemination of obscene materials to minors, distinguishing between two criminal offenses related to obscene materials, and providing that neither “commercial establishment” or “newsstand” include schools, libraries, or museums
- [HB 255](#) Restricts the sale of catalytic converters and makes it a crime to illegally transport them, punishable by up to 1 year imprisonment
- [HB 359](#) Prohibits minors from attending drag shows, sexually oriented or obscene performances in libraries or schools that receive state funding and prohibits such performances on public property where children are present
- [HB 366](#) Increases penalties for passing as school bus
- [HB 374](#) Creates an offense for failure to yield to an emergency vehicle
- [HB 401](#) Revises laws related to securing of load, establishing a misdemeanor offense and penalty for violations
- [HB 425](#) Revises youth court restitution laws, allowing a youth to remain under the court’s jurisdiction until age 25 for restitution purposes
- [HB 437](#) Revises criminal drug laws, removing items related to drug testing from the list of paraphernalia, and removing the limit on the type of tetrahydrocannabinols that must be present to constitute a DUI
- [HB 457](#) Criminalizes the use of date rape drugs
- [HB 500](#) Eliminates youth court fees, costs, certain fines, and certain financial obligations, establishing reporting requirements to the Criminal Justice Oversight Council
- [HB 525](#) Establishes a sentence for a new crime of sexual assault by a provider of psychotherapy services upon a client, requiring that a person convicted of this offense must register as a sexual offender
- [HB 541](#) Requires interest to be levied on criminal restitution and fines
- [HB 640](#) Revises laws related to the testing, storage, and disposal of sexual assault evidence kits
- [HB 661](#) Allows a court to use the results of a dangerousness or lethality assessment when considering the release or detention of certain defendants

- [HB 705](#) Requires an acknowledgment of suicide through law enforcement intervention in coroner's inquest cases
- [HB 742](#) Restrict use of restraints on youth in youth court proceedings
- [HB 743](#) Revises the list of potential victims to the crime of incest to include "a nephew or niece"
- [HB 761](#) Creates a misdemeanor offense and penalty for airbag fraud
- [HB 790](#) Revises laws related to electronic monitoring of defendants, requiring victims be notified of the availability of victim notification technology, and requiring notification to a prosecuting attorney within 1 business day of a defendant's violation of any geographic restrictions
- [HB 791](#) Creates a mandatory minimum for criminal distribution of fentanyl, criminal possession with intent to distribute fentanyl, requiring DOJ to report
- [HB 800](#) Provides for limited dissemination of criminal history record information to criminally charged individuals committed for mental health services
- [HB 886](#) Allows additional access to sealed youth court records, requiring victim consent to destroy certain records, and allowing victims of certain crimes access to sealed records with good cause shown
- [HB 948](#) Prohibits manufacturing and sales of synthetic marijuana products and creates a synthetic marijuana products advisory council
- [SB 6](#) Requires DPHHS to provide written notice of the conditions of a person's release to any community facility or program that is treating the person
- [SB 13](#) Allows for oral fluid to be used as admissible test for the presence of drugs
- [SB 19](#) Revises sentencing laws for disorderly conduct, adding new jailable obstructing charges for first offenses
- [SB 34](#) Revises adult protective services laws, defining vulnerable adult and requiring additional professionals to report abuse, sexual abuse, neglect, or exploitation, and establishing a penalty for false reporting
- [SB 38](#) Revises level designations for sexual offenders, requiring additional information from offenders, requiring notice when an offender is leaving the state, and providing opportunities for offenders to be removed from the registry
- [SB 67](#) Revises scheduling of dangerous drugs

- [SB 84](#) Revises laws related to hunting and aircraft use, defining “aircraft” to include unmanned aerial vehicles and other airborne devices
- [SB 91](#) Eliminates jail penalties for littering
- [SB 96](#) Adds a new definition of “persistent felony offender under supervision”
- [SB 117](#) Prohibits use of certain funds for conducting an election
- [SB 219](#) Revises wildfire suppression laws, establishing a penalty for obstructs such activities
- [SB 229](#) Requires the attorney general to reimburse counties for actual witness costs in certain criminal proceedings
- [SB 265](#) Increases the penalty for conviction of criminal activity of human trafficking
- [SB 321](#) Revises stalking laws to include use of GPS and other technological means
- [SB 345](#) Redefines deviate sexual relations to include sexual intercourse with dead human bodies, prohibiting the same
- [SB 356](#) Requires FWP to notify the county sheriff before establishing checking stations
- [SB 363](#) Authorizes corrections officers to detain persons on the property of adult or juvenile state correctional facilities in certain situations
- [SB 445](#) Allows a professional person to testify remotely in civil commitment proceedings
- [SB 464](#) Establishes definitions and procedures for eyewitness lineups and remedies for noncompliance
- [SB 491](#) Prohibits a person from instituting certain lawsuits if the person was harmed while attempting to engage in, engaging in, or fleeing after having engaged in a felony offense
- [SR 73](#) Confirms governor’s appointees for board of crime control

### **Estates and Trusts**

- [HB 452](#) Revises laws related to trusts and probate, clarifying requirements of a personal representative, requirements for providing notice, and parties to be treated as qualified beneficiaries for charitable trusts
- [SB 106](#) Allows for non-probate transfers of title for manufactured homes and mobile homes upon death of owner

[SB 286](#) Increases the value of estates capable of personal property collection by affidavit from \$50,000 to \$100,000

[SB 307](#) Prohibits state agencies or state officials from imposing reporting requirements not authorized by law on nonprofit corporations or charitable trusts

### **Family Law and Minors**

[HB 227](#) Provides that a court may only order contributions from a parent or guardian for out-of-home care of a child if it is in the best interest of the child and will not impede reunification efforts, creating a presumption that such contributions are not in the best interest

[HB 317](#) Establishes the Montana Indian Child Welfare Act

[HB 560](#) Provides for open adoption agreements, authorizing biological parents to enter into agreements with prospective adoptive parents to allow continued contact with the child

[HB 676](#) Clarifies fundamental parental rights free of government interference, prohibits medical care for a child without parental consent

[HB 684](#) Prohibits use of vaccination status in civil and legal proceedings related to children or incapacitated adults

[SB 151](#) DPHHS to adopt rules related to the assignment of child support in only certain circumstances when a child enters foster care

[SB 339](#) Revises reasonable childhood independence laws to include such activities as traveling to and from school, engaging in outdoor play, and remaining at home, without parental supervision if certain conditions are met

[SB 518](#) Revises parental rights laws to increase parental involvement in education

### **Guns and Weapons**

[HB 42](#) Allows qualified fish, wildlife, and parks department employees to carry firearms to perform their assigned duties

[HB 256](#) Expands when auxiliary officers may carry a less than lethal weapon

[HB 266](#) Eliminates the advisory council on concealed weapon permit issues

[HB 356](#) Prohibits a governmental entity from contracting for \$100,000 or more with a company that discriminates against a firearm entity or a firearm trade association,

requiring companies that enter into a contract with a government entity to attest in writing to the same

- [HB 631](#) Establishes the Gun Owners Access to Justice Act, providing that the right to bear arms may not be restricted by the state unless a compelling state interest exists
- [HB 659](#) Provides a 30-day grace period for lapsed renewals of concealed carry permits
- [SB 359](#) Prohibits tracking of firearms sales by financial institutions
- [SB 400](#) Extends permit for concealed carry from 4 to 5 years
- [SB 423](#) Limits liability for an individual or entity that returns a firearm to the owner at the end of a firearm hold agreement
- [SB 454](#) Repeals the Board of Private Security and transfers the administrative authority to the Department of Labor and Industry, and eliminates licensure requirements for alarm response runners, branch offices of private securities companies, and resident managers of private security companies

#### **Interim Studies**

- [HB 697](#) Revises laws related to the POST council and requires an interim study
- [SJ 31](#) Joint resolution requesting an interim study of attorney regulation and the state bar

#### **Judges and Justices, Courts**

- [HB 169](#) Revises requirements for interim judicial appointees, clarifying references to regular legislative sessions
- [HB 322](#) Establishes requirements and qualifications for standing masters, creating procedures for objecting to, removing, or dismissing a standing master
- [HB 326](#) Revises appointments to the judicial standards commission, establishing a nomination panel
- [HB 412](#) Revises code of ethics for public/government officials, prohibiting use of public resources for political purposes, changes a “gift of substantial value” to more than \$100
- [HB 695](#) Restricts the ability to obtain a temporary restraining order without notice against the state and its subdivisions except in certain circumstances



- [SB 191](#) Revises preliminary injunction/temporary restraining order laws, requiring an applicant to show why the same should be granted
- [SB 201](#) Allows a party to request the recusal of a judge if an opposing party has made campaign contributions
- [SB 224](#) Requires the office of the court administrator to report to LJIC the number of civil cases spanning longer than 2 years, caseloads of each district judge, number of substitutions, and information on attorneys requesting substitutions
- [SB 252](#) Expands state ethics laws to include the judicial branch and judges
- [SB 377](#) Allows a party to remove a civil action from a justice's court, a municipal court, a city court, or the small claims division of a justice's court to a district court

### **Law Enforcement**

- [HB 77](#) Revises laws related to public safety officer appointing authorities, establishing procedures for granting an extension to complete training
- [HB 236](#) Requires notification of service requests by public safety answering points to the public safety agency of appropriate jurisdiction
- [HB 362](#) Appropriates funds to MBCC to administer the crisis intervention team training program
- [HB 802](#) Provides that a peace officer's certification may not be revoked solely on the basis of a mental illness
- [SB 213](#) Requiring annual review of school safety or emergency operations plans, clarifying that school safety funds may be used for communitywide programs and training, requiring county or regional interdisciplinary child information and school safety teams to adopt written agreements for operations
- [SB 294](#) Establishes the "End of Watch" trust fund for law enforcement officers and their families if the officer is killed or catastrophically injured in the line of duty
- [SB 391](#) Provides for partial salary payment or the reassignment of detention officers injured in the line of duty
- [SJ 5](#) Joint resolution urging Congress to full fund public safety and law enforcement agencies on Montana reservations

## Privacy

- [HB 40](#) Allows DOJ to share social security numbers with DOR for income tax compliance purposes
- [SB 154](#) Establishes that the right to individual privacy does not include the right to abortion
- [SB 325](#) Applies spousal privilege to electronic communications between spouses and prohibits the request or requirement of disclosure. Prohibits electronic communication services from being adjudged in contempt for refusal to disclose certain information
- [SB 384](#) Establishes the Consumer Data Privacy Act
- [SB 396](#) Provides that displaying an electronic driver's license on an electronic device does not constitute consent to search and seizure of the device
- [SB 397](#) Establishes the Facial recognition for Government Use Act
- [SB 399](#) Revises county attorney and attorney general reporting requirements related to childhood sexual abuse, requiring annual reports to the LJIC
- [SB 443](#) Adds a misdemeanor probation officer to the membership of the Montana POST council