



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:

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;
- (b) billing and service address;

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

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

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

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

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

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

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

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~~"3-2-701. **Power of court over rules -- deference to legislative acts.** The supreme court of this state shall have the power to regulate the pleading, practice, procedure, and the forms thereof in civil actions in all courts of this state by rules promulgated by it from time to time for the purpose of simplifying judicial proceedings in the courts of Montana and for promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge, or modify the substantive rights of any litigant and shall not be inconsistent with the constitution of the state of Montana.~~

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

Section 3. Effective date. ~~§. [This act]~~ is effective

~~on passage and approval.~~

- END -

I hereby certify that the within bill,
HB 710, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 710

INTRODUCED BY K. LOVE, L. SCHUBERT, M. VINTON, E. BYRNE, R. GREGG, T. MANZELLA, N. NICOL,
P. FIELDER, B. MITCHELL, Z. WIRTH, S. MANESS

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