

HOUSE BILL NO. 439

INTRODUCED BY L. DEMING, B. LER

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING ARRESTS, SEARCHES, AND SEIZURES BY FEDERAL EMPLOYEES; PROVIDING THAT FEDERAL EMPLOYEES AND OTHER AGENTS MUST OBTAIN THE COUNTY SHERIFF'S PERMISSION NOTIFY THE COUNTY SHERIFF PRIOR TO TAKING AN ACTION TO ARREST, SEARCH, AND SEIZE; PROVIDING EXCEPTIONS; PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES AND OTHER AGENTS VIOLATING THIS ACT; REJECTING FEDERAL LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES AND OTHER AGENTS THE AUTHORITY OF A COUNTY SHERIFF IN THIS STATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Purpose. (1) The purposes of [sections 1 and 2] are to:

(1) ensure maximum cooperation between federal employees, or other agents or individuals acting on behalf of the federal government, and local law enforcement;

(2) provide the opportunity for law enforcement event deconfliction to ensure officer safety and to safeguard citizens;

(3) ensure that federal employees or other agents or individuals acting on behalf of the federal government who carry out arrests, searches, and seizures in this state receive the best local knowledge and expertise available; and

(4) prevent misadventure affecting Montana citizens and their rights that results from lack of cooperation or communication between federal employees, or other agents or individuals acting on behalf of the federal government operating within the state, and local law enforcement.

1 **NEW SECTION. Section 2. Notification of county sheriff.** (1) A federal employee or other agent or
2 individual acting on behalf of the federal government who is not designated by state law as a Montana peace
3 officer may not make an arrest, search, or seizure in this state without providing notice of the action to the
4 sheriff or a designee of the sheriff of the county in which the arrest, search, or seizure will occur unless:

5 (a) the intended subject of the arrest, search, or seizure is an employee of the sheriff's office or is
6 an elected county or state officer; or

7 (b) the federal employee or other agent or individual acting on behalf of the federal government
8 has probable cause to believe that the subject of the arrest, search, or seizure has close connections with the
9 sheriff and that the connections are likely to result in the subject being informed of the impending arrest, search,
10 or seizure.

11 (2) If a federal employee or other agent or individual acting on behalf of the federal government
12 who is not designated by state law as a Montana peace officer is exempt under subsections (1)(a) and (1)(b)
13 from providing notice to the county sheriffs, the federal employee or other agent or individual acting on behalf of
14 the federal government shall provide notice to the attorney general.

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16 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
17 as an integral part of Title 44, and the provisions of Title 44 apply to [sections 1 and 2].

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19 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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