

HOUSE BILL NO. 921

INTRODUCED BY T. MILLETT

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

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

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

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

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

(3) Any person has standing to sue and may sue to enjoin an individual or entity that possesses, distributes, or receives child pornography ~~in violation of federal racketeering laws or that engages in any other criminal racketeering activity, as defined by federal law, or other obscene or nonmailable material, as defined by federal law,~~ or that knowingly aids or abets these activities, notwithstanding any other provision of ~~the this~~

1 constitution or the laws of this state. The courts shall award injunctive relief and reasonable attorney fees to a
2 plaintiff who prevails in an action taken pursuant to this section, notwithstanding any other provision ~~in the of~~
3 this constitution or the laws of this state."
4

5 NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal
6 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote
7 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.
8

9 NEW SECTION. Section 3. Effective date. [This act] is effective on approval by the electorate.
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11 NEW SECTION. Section 4. Submission to electorate. [This act] shall be submitted to the qualified
12 electors of Montana at the general election to be held in November 2026 by printing on the ballot the full title of
13 [this act] and the following:

14 ☐ YES on Constitutional Amendment ____.

15 ☐ NO on Constitutional Amendment ____.

16 - END -