

HOUSE BILL NO. 214

INTRODUCED BY C. HINKLE, L. SCHUBERT, K. LOVE, T. SHARP, E. BYRNE, L. BENNETT, C. SCHOMER,  
E. TILLEMANN, T. MANZELLA, D. ZOLNIKOV, D. EMRICH, J. FULLER, R. MARSHALL, N. NICOL, A. REGIER,  
D. LOGE, C. GLIMM, B. LER, J. SCHILLINGER, K. ZOLNIKOV, J. ETCHART, L. DEMING, F. NAVE, B.  
USHER, J. GILLETTE, L. BREWSTER, T. FALK, P. FIELDER, G. KMETZ, B. MITCHELL, G. NIKOLAKAKOS,  
M. NOLAND, K. SEEKINS-CROWE, Z. WIRTH, S. MANESS, K. BOGNER, J. HINKLE, B. PHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE PROSECUTION OF STATE CRIMES  
AGAINST PERSONS THAT ARE SUBJECT TO FEDERAL IMMIGRATION DETENTION."

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

**NEW SECTION. Section 1. Criminal prosecution of persons subject to federal immigration  
detention -- notification to attorney general.** (1) The state may initiate a criminal prosecution against a  
person who is subject or may be subject to federal detention for federal immigration violations for a violation of  
criminal law committed in this state.

(2) If a criminal prosecution has been instituted against a person under the laws of this state and is  
still pending, the state may surrender the person to the federal government on demand for federal immigration  
violations or hold the person until the person has been tried and discharged or convicted and punished in this  
state.

(3) If a prosecutor is considering declining to prosecute a person described in subsection (1), the  
prosecutor shall notify the attorney general prior to making the final decision to decline prosecution to allow the  
attorney general time to initiate prosecution.

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

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