

HOUSE BILL NO. 927

INTRODUCED BY L. SCHUBERT, J. HINKLE, C. HINKLE, K. LOVE, T. MILLETT

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE REPORTING OF INDIVIDUALS NOT
LAWFULLY PRESENT IN THE UNITED STATES; REQUIRING CERTAIN PROFESSIONALS AND
OFFICIALS TO REPORT INDIVIDUALS WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES TO
THE MONTANA DEPARTMENT OF JUSTICE; PROVIDING REQUIREMENTS FOR THE REPORTS; AND
PROVIDING AN APPROPRIATION."

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

NEW SECTION. Section 1. Mandatory reporting of immigration status. (1) When the
professionals and officials listed in subsection (2) know, as a result of information they receive in their
professional or official capacity, that an individual is not lawfully present in the United States, they shall report
the matter promptly to the department of justice.

(2) Professionals and officials required to report are:

(a) a physician, resident, intern, or member of a hospital's staff engaged in the admission,
examination, care, or treatment of persons;

(b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or
any other health or mental health professional;

(c) religious healers;

(d) school teachers, other school officials, and employees who work during regular school hours;

(e) a social worker licensed pursuant to Title 37, child protection specialist, operator or employee
of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program
organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care
facility;

(f) a foster care, residential, or institutional worker;

(g) a peace officer or other law enforcement official;

- 1 (h) a member of the clergy, as defined in 15-6-201(2)(b);
- 2 (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of
- 3 alleged abuse or neglect;
- 4 (j) an employee of an entity that contracts with the department of public health and human
- 5 services to provide direct services to children; and
- 6 (k) an employee of the department of public health and human services while in conduct of the
- 7 employee's duties.

8 (3) (a) Except as provided in subsection (3)(b) or (3)(c), a person listed in subsection (2) may not

9 refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

10 (b) A member of the clergy or a priest is not required to make a report under this section if:

11 (i) the knowledge that the individual is unlawfully in the United States came from a statement or

12 confession made to the member of the clergy or the priest in that person's capacity as a member of the clergy

13 or as a priest;

14 (ii) the statement was intended to be a part of a confidential communication between the member

15 of the clergy or the priest and a member of the church or congregation; and

16 (iii) the person who made the statement or confession does not consent to the disclosure by the

17 member of the clergy or the priest.

18 (c) A member of the clergy or a priest is not required to make a report under this section if the

19 communication is required to be confidential by canon law, church doctrine, or established church practice.

20 (4) A person or official required by this section to report a person who is unlawfully in the United

21 States who purposely or knowingly fails to report or purposely or knowingly prevents another person from

22 making a report is guilty of a misdemeanor.

23

24 NEW SECTION. **Section 2. Procedures for reports -- recording -- notifications.** (1) A department

25 of justice employee receiving a report pursuant to this part shall:

26 (a) obtain the information and provide the notifications specified in this section; and

27 (b) make an audio recording when a report is made by phone. The department shall retain the

28 recording for 3 years.

(2) A department employee receiving a report pursuant to this part shall request the following information:

(a) the specific facts giving rise to the knowledge that an individual is not lawfully present in the United States and the source or sources of the information;

(b) the name and telephone number of the person making the report and the capacity that makes the person a mandatory reporter;

(c) the name and address of the individual who is not lawfully present in the United States; and

(d) if known by the reporter, the employer of the individual who is not lawfully present in the United States.

(3) The department of justice may provide information received in the report about an individual that is not lawfully present in the United States to a federal immigration agency as defined in 27-16-801. The identity of the person making the report must be kept confidential.

(4) A department employee receiving a report pursuant to this part shall:

(a) to the greatest extent possible, attempt to obtain the name and phone number of the person making the report and document any other identifying information available, including but not limited to the caller's phone number when identified by the phone system; and

(b) if the report is being made by phone, notify the caller that the report is being recorded and the person's identity will be kept confidential.

(5) The department shall allow reports pursuant to this part to be filed electronically through the department's website. The department shall make physical forms for reporting pursuant to this part available at every office of the motor vehicle division of the department of justice.

NEW SECTION. Section 3. Appropriation. There is appropriated \$500 from the general fund to the department of justice for the biennium beginning July 1, 2025, for the purpose of creating a website for reporting pursuant to [sections 1 and 2] and to provide physical forms for reporting at every office of the motor vehicle division of the department of justice pursuant to [sections 1 and 2].

NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified

1 as a new part in Title 2, chapter 1, and the provisions of Title 2, chapter 1, apply to [sections 1 and 2].

2 - END -