

## 1 HOUSE BILL NO. 425

2 INTRODUCED BY G. PARRY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR LIABILITY OF A PEACE OFFICER FOR  
5 DAMAGES AND INJURIES CAUSED BY AN IMPROPER SEARCH AND PURSUING A SUSPECT INTO A  
6 DWELLING OR OTHER BUILDING WHERE THE SUSPECT DOES NOT RESIDE."

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

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10 NEW SECTION. **Section 1. Liability of peace officer for damages and injuries caused by illegal**  
11 **search or illegal entry into property.** A peace officer as defined in 45-2-101 or the law enforcement agency  
12 employing the peace officer is liable for all property damage and injuries to the occupants:

13 (1) caused by entry into the wrong dwelling or other building from what is specified in a search  
14 warrant;

15 (2) caused by pursuing a suspect into the dwelling or other building of a person who is not the  
16 suspect; or

17 (3) caused when a suspect takes the occupants of a dwelling or other building hostage in the  
18 apprehension or attempted apprehension of the suspect.

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20 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
21 integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

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