



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:

**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.

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].

- END -

I hereby certify that the within bill,
HB 214, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 214

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