

SENATE BILL NO. 282

INTRODUCED BY D. EMRICH, J. FULLER, G. HUNTER, D. LOGE, E. KERR-CARPENTER, T.

MCGILLVRAY, J. TREBAS, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SEARCH AND SEIZURE LAWS
RELATED TO THE ABILITY OF THE STATE AND LOCAL GOVERNMENT TO OBTAIN AND USE
ELECTRONIC COMMUNICATIONS AND RELATED MATERIAL, ~~INCLUDING SUBSCRIBER RECORDS,~~
AND STORED DATA OF AN ELECTRONIC DEVICE; PROHIBITING GOVERNMENTAL ENTITIES FROM
OBTAINING ELECTRONIC COMMUNICATIONS AND RELATED MATERIAL EXCEPT BY A SEARCH
WARRANT; LIMITING THE ADMISSIBILITY OF STORED DATA OF AN ELECTRONIC DEVICE OBTAINED
IN VIOLATION OF STATUTE; ~~MAKING SUBSCRIBER RECORDS SUBJECT TO SECTION 46-5-602, MCA;~~
CLARIFYING TO WHOM A REQUEST ISSUED BY A GOVERNMENTAL ENTITY MAY BE DISCLOSED; AND
AMENDING SECTIONS 46-5-112, AND 46-5-602, ~~AND 46-5-606, MCA; AND REPEALING SECTION 46-5-~~
~~614, MCA."~~

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

NEW SECTION. **Section 1. Governmental entities may not purchase data.** Except as provided in
Title 46, chapter 4, part 3, or Title 46, chapter 5, part 2, pursuant to a search warrant or investigative subpoena
issued by a court ~~on a finding of probable cause~~, a governmental entity may not ~~obtain~~ PURCHASE the following:

- (1) electronic communications;
- (2) contents of electronic communications;
- (3) contents of a communication made through a tone-only paging device;
- (4) contents of a communication from a tracking device, including an electronic or mechanical
device that permits the tracking of the movement of a person or object;
- (5) electronic funds transfer information stored by a financial institution in a communications
system used for the electronic storage and transfer of funds;
- ~~(6) subscriber records;~~

(3) — Nothing in this part may be construed to limit a governmental entity's ability to use, maintain, or store information on its own electronic communication service or to disseminate information stored on its own electronic communication service."

~~NEW SECTION. Section 4. Repealer. The following section of the Montana Code Annotated is repealed:~~

~~46-5-614. — Voluntary disclosure of electronic communications.~~

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 5, part 6, and the provisions of Title 46, chapter 5, part 6, apply to [section 1].

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