

House BILL NO. 160

INTRODUCED BY

*Kevin Jones* *Curtis* *Brinard* *J. Baer* *Blatney*

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING ARRESTS, SEARCHES, AND SEIZURES BY FEDERAL EMPLOYEES; PROVIDING THAT FEDERAL EMPLOYEES SHALL OBTAIN THE COUNTY SHERIFF'S PERMISSION TO ARREST, SEARCH, AND SEIZE; PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES VIOLATING THIS ACT; REJECTING FEDERAL LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES THE AUTHORITY OF A COUNTY SHERIFF IN THIS STATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Purpose.** It is the intent of the legislature to ensure maximum cooperation between federal employees and local law enforcement authorities; to ensure that federal employees who carry out arrests, searches, and seizures in this state receive the best local knowledge and expertise available; and to prevent misadventure affecting Montana citizens and their rights that results from lack of cooperation or communication between federal employees operating in Montana and properly constituted local law enforcement authorities.

**NEW SECTION. Section 2. County sheriff's permission for federal arrests, searches, and seizures -- exceptions.** (1) A federal employee who is not designated by Montana law as a Montana peace officer may not make an arrest, search, or seizure in this state without the written permission of the sheriff or designee of the sheriff of the county in which the arrest, search, or seizure will occur unless:

- (a) the arrest, search, or seizure will take place on a federal enclave for which jurisdiction has been actively ceded to the United States of America by a Montana statute;
- (b) the federal employee witnesses the commission of a crime the nature of which requires an immediate arrest;
- (c) the arrest, search, or seizure is under the provisions of 46-6-411 or 46-6-412;
- (d) the intended subject of the arrest, search, or seizure is an employee of the sheriff's office or is an elected county or state officer; or

1 (e) the federal employee has probable cause to believe that the subject of the arrest, search, or  
2 seizure has close connections with the sheriff, which connections are likely to result in the subject being  
3 informed of the impending arrest, search, or seizure.

4 (2) The county sheriff or designee of the sheriff may refuse permission for any reason that the  
5 sheriff or designee considers sufficient.

6 (3) A federal employee who desires to exercise a subsection (1)(d) exception shall obtain the  
7 written permission of the Montana attorney general for the arrest, search, or seizure unless the resulting  
8 delay in obtaining the permission would probably cause serious harm to one or more individuals or to a  
9 community or would probably cause flight of the subject of the arrest, search, or seizure in order to avoid  
10 prosecution. The attorney general may refuse the permission for any reason that the attorney general  
11 considers sufficient.

12 (4) A federal employee who desires to exercise a subsection (1)(e) exception shall obtain the  
13 written permission of the Montana attorney general. The request for permission must include a written  
14 statement, under oath, describing the federal employee's probable cause. The attorney general may refuse  
15 the request for any reason that the attorney general considers sufficient.

16 (5) (a) A permission request to the county sheriff or Montana attorney general must contain:

17 (i) the name of the subject of the arrest, search, or seizure;

18 (ii) a clear statement of probable cause for the arrest, search, or seizure or a federal arrest, search,  
19 or seizure warrant that contains a clear statement of probable cause;

20 (iii) a description of specific assets, if any, to be searched for or seized;

21 (iv) a statement of the date and time that the arrest, search, or seizure is to occur; and

22 (v) the address or location where the intended arrest, search, or seizure will be attempted.

23 (b) The request may be in letter form, either typed or handwritten, but must be countersigned with  
24 the original signature of the county sheriff or designee of the sheriff or by the Montana attorney general,  
25 to constitute valid permission. The permission is valid for 48 hours after it is signed. The sheriff or  
26 attorney general shall keep a copy of the permission request on file.

27  
28 **NEW SECTION. Section 3. Remedies.** (1) An arrest, search, or seizure or attempted arrest,  
29 search, or seizure in violation of [section 2] is unlawful, and individuals involved must be prosecuted by the  
30 county attorney for kidnapping if an arrest or attempted arrest occurred, for trespass if a search or

1 attempted search occurred, for theft if a seizure or attempted seizure occurred, and for any applicable  
2 homicide offense if loss of life occurred. The individuals involved must also be charged with any other  
3 applicable criminal offenses in Title 45.

4 (2) To the extent possible, the victims' rights provisions of Title 46 must be extended to the victim  
5 or victims by the justice system persons and entities involved in the prosecution.

6 (3) The county attorney has no discretion not to prosecute once a claim of violation of [section 2]  
7 has been made by the county sheriff or designee of the sheriff, and failure to abide by this mandate  
8 subjects the county attorney to recall by the voters and to prosecution by the attorney general for official  
9 misconduct.

10

11 **NEW SECTION. Section 4. Invalid federal laws.** Pursuant to the 10th amendment to the United  
12 States constitution and this state's compact with the other states, the legislature declares that any federal  
13 law purporting to give federal employees the authority of a county sheriff in this state is not recognized by  
14 and is specifically rejected by this state and is declared to be invalid in this state.

15

16 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

17

18 **NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are  
19 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its  
20 applications, the part remains in effect in all valid applications that are severable from the invalid  
21 applications.

22

-END-

## 1 HOUSE BILL NO. 160

2 INTRODUCED BY CURTISS, BRAINARD, BAER, KEATING, KEENAN, JORE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING ARRESTS, SEARCHES, AND SEIZURES BY  
5 FEDERAL EMPLOYEES; PROVIDING THAT FEDERAL EMPLOYEES ~~SHALL OBTAIN THE COUNTY SHERIFF'S~~  
6 ~~PERMISSION TO GIVE THE COUNTY SHERIFF NOTICE OF AN ARREST, SEARCH, AND SEIZE OR SEIZURE;~~  
7 PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES VIOLATING THIS ACT; REJECTING FEDERAL  
8 LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES THE AUTHORITY OF A COUNTY SHERIFF IN THIS  
9 STATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 NEW SECTION. **Section 1. Purpose.** It is the intent of the legislature to ensure maximum  
14 cooperation between federal employees and local law enforcement authorities; to ensure that federal  
15 employees who carry out arrests, searches, and seizures in this state receive the best local knowledge and  
16 expertise available; and to prevent misadventure affecting Montana citizens and their rights that results  
17 from lack of cooperation or communication between federal employees operating in Montana and properly  
18 constituted local law enforcement authorities.

19  
20 NEW SECTION. **Section 2. County sheriff's ~~permission for~~ RIGHT TO PRIOR NOTICE OF federal**  
21 **arrests, searches, and seizures -- exceptions.** (1) A federal employee who is not designated by Montana  
22 law as a Montana peace officer may not make an arrest, search, or seizure in this state without ~~the written~~  
23 ~~permission of~~ GIVING AT LEAST 24 HOURS' WRITTEN NOTICE TO the sheriff or designee of the sheriff  
24 of the county in which the arrest, search, or seizure will occur unless:

25 (a) the arrest, search, or seizure will take place on a federal enclave for which jurisdiction has been  
26 actively ceded to the United States of America by a Montana statute;

27 (b) the federal employee witnesses the commission of a crime the nature of which requires an  
28 immediate arrest;

29 (c) the arrest, search, or seizure is under the provisions of 46-6-411 or 46-6-412;

30 (d) the intended subject of the arrest, search, or seizure is an employee of the sheriff's office or

1 is an elected county or state officer; or

2 (e) the federal employee has probable cause to believe that the subject of the arrest, search, or  
3 seizure has close connections with the sheriff, which connections are likely to result in the subject being  
4 informed of the impending arrest, search, or seizure.

5 ~~(2) The county sheriff or designee of the sheriff may refuse permission for any reason that the~~  
6 ~~sheriff or designee considers sufficient.~~

7 ~~(3) A federal employee who desires to exercise a subsection (1)(d) exception shall obtain the~~  
8 ~~written permission of the Montana attorney general for the arrest, search, or seizure unless the resulting~~  
9 ~~delay in obtaining the permission would probably cause serious harm to one or more individuals or to a~~  
10 ~~community or would probably cause flight of the subject of the arrest, search, or seizure in order to avoid~~  
11 ~~prosecution. The attorney general may refuse the permission for any reason that the attorney general~~  
12 ~~considers sufficient.~~

13 ~~(4)(2)~~ A federal employee who desires to exercise a subsection (1)(e) exception shall ~~obtain the~~  
14 ~~written permission of~~ GIVE AT LEAST 24 HOURS' WRITTEN NOTICE TO the Montana attorney general.  
15 The ~~request for permission~~ NOTICE must include a written statement, under oath, describing the federal  
16 employee's probable cause. The attorney general ~~may refuse the request for any reason that the attorney~~  
17 ~~general considers sufficient~~ SHALL TAKE APPROPRIATE ACTION TO PROTECT THE RIGHTS OF CITIZENS  
18 IN THE COUNTY.

19 ~~(5)(3)~~ (a) A ~~permission request~~ THE WRITTEN NOTICE to the county sheriff or Montana attorney  
20 general must contain:

- 21 (i) the name of the subject of the arrest, search, or seizure;
- 22 (ii) a clear statement of probable cause for the arrest, search, or seizure or a federal arrest, search,  
23 or seizure warrant that contains a clear statement of probable cause;
- 24 (iii) a description of specific assets, if any, to be searched for or seized;
- 25 (iv) a statement of the date and time that the arrest, search, or seizure is to occur; and
- 26 (v) the address or location where the intended arrest, search, or seizure will be attempted.

27 (b) The ~~request~~ WRITTEN NOTICE may be in letter form, either typed or handwritten, but must be  
28 ~~countersigned~~ ACKNOWLEDGED with the original signature of the county sheriff or designee of the sheriff  
29 or by the Montana attorney general, ~~to constitute valid permission. The permission is valid for 48 hours~~  
30 ~~after it is signed. The sheriff or attorney general shall keep a copy of the permission request on file.~~



## 1 HOUSE BILL NO. 160

2 INTRODUCED BY CURTISS, BRAINARD, BAER, KEATING, KEENAN, JORE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING ARRESTS, SEARCHES, AND SEIZURES BY  
5 FEDERAL EMPLOYEES; PROVIDING THAT FEDERAL EMPLOYEES ~~SHALL OBTAIN THE COUNTY SHERIFF'S~~  
6 ~~PERMISSION TO~~ GIVE THE COUNTY SHERIFF NOTICE OF AN ARREST, SEARCH, AND SEIZE OR SEIZURE;  
7 PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES VIOLATING THIS ACT; REJECTING FEDERAL  
8 LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES THE AUTHORITY OF A COUNTY SHERIFF IN THIS  
9 STATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 NEW SECTION. **Section 1. Purpose.** It is the intent of the legislature to ensure maximum  
14 cooperation between federal employees and local law enforcement authorities; to ensure that federal  
15 employees who carry out arrests, searches, and seizures in this state receive the best local knowledge and  
16 expertise available; and to prevent misadventure affecting Montana citizens and their rights that results  
17 from lack of cooperation or communication between federal employees operating in Montana and properly  
18 constituted local law enforcement authorities.

19  
20 NEW SECTION. **Section 2. County sheriff's ~~permission for~~ RIGHT TO PRIOR NOTICE OF federal**  
21 **arrests, searches, and seizures -- exceptions.** (1) A federal employee who is not designated by Montana  
22 law as a Montana peace officer may not make an arrest, search, or seizure in this state without ~~the written~~  
23 ~~permission of~~ GIVING AT LEAST 24 HOURS' WRITTEN NOTICE TO the sheriff or designee of the sheriff  
24 of the county in which the arrest, search, or seizure will occur unless:

25 (a) the arrest, search, or seizure will take place on a federal enclave for which jurisdiction has been  
26 actively ceded to the United States of America by a Montana statute;

27 (b) the federal employee witnesses the commission of a crime the nature of which requires an  
28 immediate arrest;

29 (c) the arrest, search, or seizure is under the provisions of 46-6-411 or 46-6-412;

30 (d) the intended subject of the arrest, search, or seizure is an employee of the sheriff's office or

1 is an elected county or state officer; or

2 (e) the federal employee has probable cause to believe that the subject of the arrest, search, or  
3 seizure has close connections with the sheriff, which connections are likely to result in the subject being  
4 informed of the impending arrest, search, or seizure.

5 ~~(2) The county sheriff or designee of the sheriff may refuse permission for any reason that the  
6 sheriff or designee considers sufficient.~~

7 ~~(3) A federal employee who desires to exercise a subsection (1)(d) exception shall obtain the  
8 written permission of the Montana attorney general for the arrest, search, or seizure unless the resulting  
9 delay in obtaining the permission would probably cause serious harm to one or more individuals or to a  
10 community or would probably cause flight of the subject of the arrest, search, or seizure in order to avoid  
11 prosecution. The attorney general may refuse the permission for any reason that the attorney general  
12 considers sufficient.~~

13 ~~(4)(2) A federal employee who desires to exercise a subsection (1)(e) exception shall obtain the  
14 written permission of GIVE AT LEAST 24 HOURS' WRITTEN NOTICE TO the Montana attorney general.  
15 The request for permission NOTICE must include a written statement, under oath, describing the federal  
16 employee's probable cause. The attorney general may refuse the request for any reason that the attorney  
17 general considers sufficient SHALL TAKE APPROPRIATE ACTION TO PROTECT THE RIGHTS OF CITIZENS  
18 IN THE COUNTY.~~

19 ~~(5)(3) (a) A permission request THE WRITTEN NOTICE to the county sheriff or Montana attorney  
20 general must contain:~~

- 21 (i) the name of the subject of the arrest, search, or seizure;
- 22 (ii) a clear statement of probable cause for the arrest, search, or seizure or a federal arrest, search,  
23 or seizure warrant that contains a clear statement of probable cause;
- 24 (iii) a description of specific assets, if any, to be searched for or seized;
- 25 (iv) a statement of the date and time that the arrest, search, or seizure is to occur; and
- 26 (v) the address or location where the intended arrest, search, or seizure will be attempted.

27 (b) The request WRITTEN NOTICE may be in letter form, either typed or handwritten, but must be  
28 countersigned ACKNOWLEDGED with the original signature of the county sheriff or designee of the sheriff  
29 or by the Montana attorney general, ~~to constitute valid permission. The permission is valid for 48 hours  
30 after it is signed. The sheriff or attorney general shall keep a copy of the permission request on file.~~





SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 20, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 160 (third reading copy -- blue), respectfully report that HB 160 be amended as follows and as so amended be not concurred in.

Signed: \_\_\_\_\_  
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, line 7.

Strike: "PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES VIOLATING THIS ACT;"

2. Page 1, line 23.

Following: "GIVING"

Strike: "AT LEAST 24 HOURS' WRITTEN"

3. Page 2, line 14.

Following: "GIVE"

Strike: "AT LEAST 24 HOURS' WRITTEN"

4. Page 2, line 15.

Following: "must"

Strike: "include a written statement, under oath, describing"

Insert: "describe"

5. Page 2, line 19.

Following: "(3)"

Strike: "(a)"

Following: "THE"

Strike: "WRITTEN"

6. Page 2, line 21.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

7. Page 2, lines 27 through 30.


Strike: subsection (b) in its entirety

8. Page 3, lines 1 through 14.

Strike: section 3 in its entirety

Renumber: subsequent sections

-END-

  
Amd. Coord.  
Sec. of Senate

\_\_\_\_\_  
Senator Carrying Bill

HB 160

SENATE

## 1 HOUSE BILL NO. 160

2 INTRODUCED BY CURTISS, BRAINARD, BAER, KEATING, KEENAN, JORE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING ARRESTS, SEARCHES, AND SEIZURES BY  
5 FEDERAL EMPLOYEES; PROVIDING THAT FEDERAL EMPLOYEES ~~SHALL OBTAIN THE COUNTY SHERIFF'S~~  
6 ~~PERMISSION TO~~ GIVE THE COUNTY SHERIFF NOTICE OF AN ARREST, SEARCH, AND SEIZE OR SEIZURE;  
7 ~~PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES VIOLATING THIS ACT;~~ REJECTING FEDERAL  
8 LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES THE AUTHORITY OF A COUNTY SHERIFF IN THIS  
9 STATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 NEW SECTION. **Section 1. Purpose.** It is the intent of the legislature to ensure maximum  
14 cooperation between federal employees and local law enforcement authorities; to ensure that federal  
15 employees who carry out arrests, searches, and seizures in this state receive the best local knowledge and  
16 expertise available; and to prevent misadventure affecting Montana citizens and their rights that results  
17 from lack of cooperation or communication between federal employees operating in Montana and properly  
18 constituted local law enforcement authorities.

19  
20 NEW SECTION. **Section 2. County sheriff's ~~permission for~~ RIGHT TO PRIOR NOTICE OF federal**  
21 **arrests, searches, and seizures -- exceptions.** (1) A federal employee who is not designated by Montana  
22 law as a Montana peace officer may not make an arrest, search, or seizure in this state without ~~the written~~  
23 ~~permission of~~ GIVING AT LEAST 24 HOURS' WRITTEN NOTICE TO the sheriff or designee of the sheriff  
24 of the county in which the arrest, search, or seizure will occur unless:

25 (a) the arrest, search, or seizure will take place on a federal enclave for which jurisdiction has been  
26 actively ceded to the United States of America by a Montana statute;

27 (b) the federal employee witnesses the commission of a crime the nature of which requires an  
28 immediate arrest;

29 (c) the arrest, search, or seizure is under the provisions of 46-6-411 or 46-6-412;

30 (d) the intended subject of the arrest, search, or seizure is an employee of the sheriff's office or

1 is an elected county or state officer; or

2 (e) the federal employee has probable cause to believe that the subject of the arrest, search, or  
3 seizure has close connections with the sheriff, which connections are likely to result in the subject being  
4 informed of the impending arrest, search, or seizure.

5 ~~(2) The county sheriff or designee of the sheriff may refuse permission for any reason that the  
6 sheriff or designee considers sufficient.~~

7 ~~(3) A federal employee who desires to exercise a subsection (1)(d) exception shall obtain the  
8 written permission of the Montana attorney general for the arrest, search, or seizure unless the resulting  
9 delay in obtaining the permission would probably cause serious harm to one or more individuals or to a  
10 community or would probably cause flight of the subject of the arrest, search, or seizure in order to avoid  
11 prosecution. The attorney general may refuse the permission for any reason that the attorney general  
12 considers sufficient.~~

13 ~~(4)(2) A federal employee who desires to exercise a subsection (1)(e) exception shall obtain the  
14 written permission of GIVE AT LEAST 24 HOURS' WRITTEN NOTICE to the Montana attorney general.  
15 The request for permission NOTICE must include a written statement, under oath, describing DESCRIBE the  
16 federal employee's probable cause. The attorney general may refuse the request for any reason that the  
17 attorney general considers sufficient SHALL TAKE APPROPRIATE ACTION TO PROTECT THE RIGHTS OF  
18 CITIZENS IN THE COUNTY.~~

19 ~~(5)(3) (a) A permission request THE WRITTEN NOTICE to the county sheriff or Montana attorney  
20 general must contain:~~

21 ~~## (A) the name of the subject of the arrest, search, or seizure;~~

22 ~~### (B) a clear statement of probable cause for the arrest, search, or seizure or a federal arrest,  
23 search, or seizure warrant that contains a clear statement of probable cause;~~

24 ~~#### (C) a description of specific assets, if any, to be searched for or seized;~~

25 ~~(iv) (D) a statement of the date and time that the arrest, search, or seizure is to occur; and~~

26 ~~(v) (E) the address or location where the intended arrest, search, or seizure will be attempted.~~

27 ~~(b) The request WRITTEN NOTICE may be in letter form, either typed or handwritten, but must be  
28 countersigned ACKNOWLEDGED with the original signature of the county sheriff or designee of the sheriff  
29 or by the Montana attorney general, to constitute valid permission. The permission is valid for 48 hours  
30 after it is signed. The sheriff or attorney general shall keep a copy of the permission request on file.~~



OFFICE OF THE GOVERNOR

STATE OF MONTANA

MARC RACICOT  
GOVERNOR

STATE CAPITOL  
HELENA, MONTANA 59620-0801

April 15, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

The Honorable Bob Brown  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Brown:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 160, "AN ACT REGULATING ARRESTS, SEARCHES, AND SEIZURES BY FEDERAL EMPLOYEES; PROVIDING THAT FEDERAL EMPLOYEES GIVE THE COUNTY SHERIFF NOTICE OF AN ARREST, SEARCH, OR SEIZURE; REJECTING FEDERAL LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES THE AUTHORITY OF A COUNTY SHERIFF IN THIS STATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" for the following reasons.

House Bill 160 has a worthy purpose: to develop cooperation and communication among federal and local law enforcement authorities. But its provisions, though considerably weakened from those in the original introduced bill, are incompatible with the Supremacy Clause of the United States Constitution, and are thus unenforceable.

House Bill 160 requires that federal employees notify a county sheriff before they may make a federal arrest, or conduct a federal search or seizure in Montana. Several exceptions are provided, one of which is applicable only if the federal authorities give the Montana Attorney General prior notice along with a description of why the action is justifiable.

As early as 1824, the United States Supreme Court articulated the federal supremacy doctrine: acts of state legislatures are preempted to the extent that they conflict with federal law or impose obstacles to or conditions upon the performance of

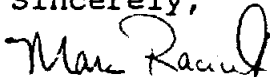
legitimate federal activity. One aspect of federal supremacy prohibits state prosecution of federal officials who are acting in a proper manner under authority of federal law. In deference to this well-recognized rule of law, the portions of House Bill 160 that subjected federal officials to criminal prosecution were struck. Also eliminated was a requirement that the county sheriff give permission to federal law enforcement officials before the federal officials could carry out their duties. This leaves the bill with one substantive requirement: prior notice to the sheriff. Although seemingly a minor burden on federal law enforcement, it nevertheless violates the principle of federal supremacy.

As a practical, rather than a legal matter, prior notice to a local sheriff of impending federal law enforcement activity is the current practice in nearly all cases. There are, however, occasions which are not covered by the bill's stated exceptions in which prior notice may not only be impractical but ill-advised from a security standpoint. This is true whether the officials are members of the President's Secret Service, the Federal Bureau of Investigation, or the Internal Revenue Service.

In addition, during my tenure as Attorney General, and with the assistance of the Law Enforcement Advisory Council, a policy was formulated to address the need to coordinate investigations in Montana. That policy, subscribed to by federal, state, and local law enforcement agencies, has been adopted by administrative rule in Montana. It outlines procedures for federal, state and local law enforcement agencies when conducting investigations, searches, seizures, or arrests, and in those instances requires prior notification of the chief law enforcement office of the county. The policy also provides for a procedure whereby a violation of the policy can be reviewed and investigated by the Attorney General.

I believe quite simply that House Bill 160 is unenforceable, unnecessary, unwise, and unconstitutional. As a result, it should not become law.

Sincerely,



MARC RACICOT  
Governor