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 2 INTRODUCED BY Bradley <sup>SB</sup> BILL NO. 167 William Robert Hurdle  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DELETION OF THE ADDRESSES OF  
 5 VICTIMS OF CERTAIN CRIMINAL OFFENSES FROM THE OFFICIAL PRECINCT REGISTER OF VOTERS AND  
 6 FROM ANY LIST OR ADDRESS LABELS AVAILABLE FROM THE COUNTY ELECTION ADMINISTRATOR;  
 7 REQUIRING PEACE OFFICERS TO INFORM VICTIMS OF PARTNER OR FAMILY MEMBER ASSAULT OR  
 8 CERTAIN OTHER OFFENSES OF THEIR RIGHT TO DELETION OF THEIR ADDRESS FROM THE LISTS; AND  
 9 AMENDING SECTIONS 13-2-115, 13-2-122, AND 46-6-602, MCA."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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13 **Section 1.** Section 13-2-115, MCA, is amended to read:

14 **"13-2-115. Registration lists to be prepared.** (1) Except as provided in ~~subsection~~ subsections (5)  
 15 and (6), immediately after registration is closed, the election administrator shall prepare and must have  
 16 printed lists of all registered electors in each precinct. Names of electors must be listed alphabetically, with  
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 18 preliminary list of registered electors may be printed before the close of registration for an election. If a  
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20 (2) A copy of the list of registered voters must be displayed at the polling place. Extra copies of  
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22 (3) The list of registered electors prepared for a primary election may be used for the general  
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27 (5) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that,  
 28 for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's,  
 29 not be disclosed, the registrar may not include the address on any list of registered voters but shall list only  
 30 the name or names.

1           (6) (a) Upon the request of an individual, an election administrator may not include the individual's  
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3           (i) proves to the election administrator that the individual, or a minor in the custody of the  
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6           (ii) proves to the election administrator that a temporary restraining order or injunction has been  
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 14           **Section 2.** Section 13-2-122, MCA, is amended to read:

15           **"13-2-122. Charges for registers, elector lists, and mailing labels made available to public. (1)**  
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24           **(3) An election administrator may not include an individual's residential address on any register,**  
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 26 **address not be used and the individual proves to the election administrator those matters described in**  
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 29           **Section 3.** Section 46-6-602, MCA, is amended to read:

30           **"46-6-602. Notice of rights to victim in partner or family member assault. Whenever a peace**

1 officer arrests a person for partner or family member assault, as defined in 45-5-206, or responds to a call  
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 3 shall advise the victim of the availability of a shelter or other services in the community and give the victim  
 4 immediate notice of any legal rights and remedies available. The notice must include furnishing the victim  
 5 with a copy of the following statement:

6 "The city or county attorney's office can file criminal charges against an offender if the offender  
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8 In addition to the criminal charges filed by the state of Montana, you are entitled to the following  
 9 civil remedies:

10 You may go to court and file a petition requesting any of the following orders for relief:

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APPROVED BY COM  
ON JUDICIARY

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INTRODUCED BY

SB BILL NO. 167

*Bradley Wm Ryan Robert Hurdle*

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3 Brade Wynne Robert Hurdle

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 19 (6) an order of protection that prohibits the offender from possessing or using the firearm used in  
 20 the assault.

21 If you file a petition in district court, the district court may order all of the above and may award  
 22 custody of your minor children to you or to the other parent. The district court may order visitation of your  
 23 children between the parents. The district court may order the offender to pay support payments to you  
 24 if the offender has a legal obligation to pay you support payments.

25 The forms that you need to obtain an order of protection are at \_\_\_\_\_. You may call  
 26 \_\_\_\_\_ at \_\_\_\_\_ for additional information about an order of protection.

27 You may file a petition in district court at \_\_\_\_\_.

28 You may be eligible for restitution payments from the offender (the offender would repay you for  
 29 costs that you have had to pay as a result of the assault) or for crime victims compensation payments (a  
 30 fund administered by the state of Montana for innocent victims of crime). You may call \_\_\_\_\_ at

1 \_\_\_\_\_ for additional information about restitution or crime victims compensation.

2 If a person has been found guilty of partner or family member assault against you or a partner or  
3 family member, as defined in 45-5-206, or has been found guilty of stalking or another offense involving  
4 bodily harm or the threat of bodily harm against you or a partner or family member, you may choose to  
5 keep your residential address off the list of registered voters by contacting the county election administrator  
6 at \_\_\_\_\_.

7 The following agencies may be able to give you additional information or emergency help. (List  
8 telephone numbers and addresses of agencies other than shelters with secret locations and a brief summary  
9 of services that are available.)"

10

-END-



## 1 SENATE BILL NO. 167

2 INTRODUCED BY BROOKE, RYAN, BOOKOUT-REINICKE, HURDLE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DELETION OF THE ADDRESSES OF  
5 VICTIMS OF CERTAIN CRIMINAL OFFENSES FROM THE OFFICIAL PRECINCT REGISTER OF VOTERS AND  
6 FROM ANY LIST OR ADDRESS LABELS AVAILABLE FROM THE COUNTY ELECTION ADMINISTRATOR;  
7 REQUIRING PEACE OFFICERS TO INFORM VICTIMS OF PARTNER OR FAMILY MEMBER ASSAULT OR  
8 CERTAIN OTHER OFFENSES OF THEIR RIGHT TO DELETION OF THEIR ADDRESS FROM THE LISTS; AND  
9 AMENDING SECTIONS 13-2-115, 13-2-122, AND 46-6-602, MCA."

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

12  
13 **Section 1.** Section 13-2-115, MCA, is amended to read:

14 **"13-2-115. Registration lists to be prepared.** (1) Except as provided in ~~subsection~~ subsections (5)  
15 and (6), immediately after registration is closed, the election administrator shall prepare and must have  
16 printed lists of all registered electors in each precinct. Names of electors must be listed alphabetically, with  
17 their residence address or with a mailing address if located where street numbers are not used. A  
18 preliminary list of registered electors may be printed before the close of registration for an election. If a  
19 preliminary list is printed, a supplementary list must be printed after the close of registration.

20 (2) A copy of the list of registered voters must be displayed at the polling place. Extra copies of  
21 the lists must be retained by the election administrator and furnished to an elector upon request.

22 (3) The list of registered electors prepared for a primary election may be used for the general  
23 election if a supplemental list giving the additions and deletions since the primary list was prepared is  
24 printed. The election administrator may prepare lists for a special election, but lists are not required to be  
25 printed for special elections.

26 (4) Lists of registered voters need not be printed if the election will not be held.

27 (5) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that,  
28 for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's,  
29 not be disclosed, the registrar may not include the address on any list of registered voters but shall list only  
30 the name or names.

1           (6) (a) Upon the request of an individual, an election administrator may not include the individual's  
 2 residential address on any list of registered voters but shall list only the name or names if the individual:

3           (i) proves to the election administrator that the individual, or a minor in the custody of the  
 4 individual, has been the victim of partner or family member assault, stalking, custodial interference, or other  
 5 offense involving bodily harm or threat of bodily harm to the individual or minor; or

6           (ii) proves to the election administrator that a temporary restraining order or injunction has been  
 7 issued by a judge or magistrate to restrain another person's access to the individual or minor.

8           (b) Proof of the victimization is conclusive upon exhibition to the election administrator of a criminal  
 9 judgment, information and judgment, or affidavit of a county attorney clearly indicating the conviction and  
 10 the identity of the victim.

11           (c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon exhibition  
 12 to the election administrator of the temporary restraining order or injunction."

13  
 14           **Section 2.** Section 13-2-122, MCA, is amended to read:

15           **"13-2-122. Charges for registers, elector lists, and mailing labels made available to public. (1)**  
 16 **Except as provided in ~~subsection~~ subsections (2) and (3), upon written request, the registrar shall furnish**  
 17 **to any elector, for noncommercial use, a copy of the official precinct registers, a current list of registered**  
 18 **electors, or mailing labels for registered electors. Upon delivery, the registrar may collect a charge not to**  
 19 **exceed the actual cost of the register, list, or mailing labels.**

20           **(2) If the registrar receives in writing from a law enforcement officer or reserve officer, as defined**  
 21 **in 7-32-201, a request that, for security reasons, the officer's and the officer's spouse's residential address,**  
 22 **if the same as the officer's, not be disclosed, the registrar may not include the address on any register, list,**  
 23 **or mailing labels disseminated pursuant to subsection (1).**

24           **(3) An election administrator may not include an individual's residential address on any register,**  
 25 **list, or mailing labels but shall list only the name or names if the individual requests that the individual's**  
 26 **address not be used and the individual proves to the election administrator those matters described in**  
 27 **13-2-115(6)(a)(i) or (6)(a)(ii).**"

28  
 29           **Section 3.** Section 46-6-602, MCA, is amended to read:

30           **"46-6-602. Notice of rights to victim in partner or family member assault. Whenever a peace**

1 officer arrests a person for partner or family member assault, as defined in 45-5-206, or responds to a call  
2 in which partner or family member assault is suspected, the officer, outside the presence of the offender,  
3 shall advise the victim of the availability of a shelter or other services in the community and give the victim  
4 immediate notice of any legal rights and remedies available. The notice must include furnishing the victim  
5 with a copy of the following statement:

6 "The city or county attorney's office can file criminal charges against an offender if the offender  
7 committed the offense of partner or family member assault.

8 In addition to the criminal charges filed by the state of Montana, you are entitled to the following  
9 civil remedies:

10 You may go to court and file a petition requesting any of the following orders for relief:

11 (1) an order of protection that prohibits the offender from threatening to hurt you or hurting you;

12 (2) an order of protection that directs the offender to leave your home and prohibits the offender  
13 from having any contact with you;

14 (3) an order of protection that prevents the offender from transferring any property except in the  
15 usual course of business;

16 (4) an order of protection that prohibits the offender from being within 1,500 feet or other  
17 appropriate distance of you, any named family member, and your worksite or other specified place;

18 (5) an order of protection that gives you possession of necessary personal property;

19 (6) an order of protection that prohibits the offender from possessing or using the firearm used in  
20 the assault.

21 If you file a petition in district court, the district court may order all of the above and may award  
22 custody of your minor children to you or to the other parent. The district court may order visitation of your  
23 children between the parents. The district court may order the offender to pay support payments to you  
24 if the offender has a legal obligation to pay you support payments.

25 The forms that you need to obtain an order of protection are at \_\_\_\_\_. You may call  
26 \_\_\_\_\_ at \_\_\_\_\_ for additional information about an order of protection.

27 You may file a petition in district court at \_\_\_\_\_.

28 You may be eligible for restitution payments from the offender (the offender would repay you for  
29 costs that you have had to pay as a result of the assault) or for crime victims compensation payments (a  
30 fund administered by the state of Montana for innocent victims of crime). You may call \_\_\_\_\_ at

1 \_\_\_\_\_ for additional information about restitution or crime victims compensation.

2 If a person has been found guilty of partner or family member assault against you or a partner or  
3 family member, as defined in 45-5-206, or has been found guilty of stalking or another offense involving  
4 bodily harm or the threat of bodily harm against you or a partner or family member, you may choose to  
5 keep your residential address off the list of registered voters by contacting the county election administrator  
6 at \_\_\_\_\_.

7 The following agencies may be able to give you additional information or emergency help. (List  
8 telephone numbers and addresses of agencies other than shelters with secret locations and a brief summary  
9 of services that are available.)””

10 -END-