

1 SENATE BILL NO. 288
2 INTRODUCED BY D. LOGE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING EVIDENTIARY SEIZURE GUIDELINES FOR LAW
5 ENFORCEMENT WEAPONS IN OFFICER-INVOLVED SHOOTINGS; AND REQUIRING THE EXPEDITED
6 RETURN OF LAW ENFORCEMENT WEAPONS UNDER CERTAIN CONDITIONS AFTER AN
7 INVESTIGATION IS COMPLETE."

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

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11 NEW SECTION. **Section 1. Evidentiary seizure of law enforcement weapons.** (1) When law
12 enforcement is involved in an officer-involved shooting, the law enforcement officer's weapon involved in the
13 shooting must be collected by investigators to be photographed and turned over to the state laboratory of
14 criminalistics for test firing, collection of cartridge cases and rounds of ammunition, and to document the unique
15 characteristics of the weapon.

16 (2) After an investigation is complete and no appeals are pending or no criminal charges are filed
17 or are presently contemplated against the law enforcement officer, a weapon collected for evidence testing
18 pursuant to subsection (1) or collected as part of a coroner's inquest pursuant to 46-4-201 must be returned
19 within 7 days by whichever entity is appropriate to the law enforcement agency from which it was collected for
20 redeployment in the field.

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22 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
23 integral part of Title 44, chapter 3, part 3, and the provisions of Title 44, chapter 3, part 3, apply to [section 1].

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