

1 HOUSE BILL NO. 605

2 INTRODUCED BY G. NIKOLAKAKOS, S. KELLY, S. FITZPATRICK, N. DURAM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON WHO WILL BE HOUSED IN A JAIL
5 OR CORRECTIONAL FACILITY FOR MORE THAN 12 HOURS MAY BE SUBJECT TO A STRIP SEARCH;
6 AND AMENDING SECTION 46-5-105, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 46-5-105, MCA, is amended to read:

11 **"46-5-105. Reasonable suspicion required before strip search -- exception.** (1) A-Except as
12 provided in subsection (2), a person arrested or detained for a traffic offense or an offense that is not a felony
13 may not be subjected to a strip search or a body cavity search by a peace officer or law enforcement employee
14 unless there is reasonable suspicion to believe the person is concealing a weapon, contraband, or evidence of
15 the commission of a crime.

16 (2) If a person will be housed in a jail or correctional facility for more than 12 hours, the person
17 may be subjected to a strip search. FOR THE PURPOSES OF THIS SUBSECTION, THE STRIP SEARCH CONDUCTED BY A
18 PEACE OFFICER OR LAW ENFORCEMENT EMPLOYEE MAY NOT INCLUDE PENETRATION OF ANY BODY CAVITY."

19 - END -