

HOUSE BILL NO. 306

INTRODUCED BY B. USHER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WHEN A PERSON MAY BE SUBJECT TO A STRIP SEARCH; AND AMENDING SECTION 46-5-105, MCA."

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

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

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

(2) A person arrested or detained for a traffic offense or an offense that is not a felony may be subject to a strip search for security purposes prior to placement in a detention center."

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