

65th Legislature

HB0129.04

1 HOUSE BILL NO. 129  
2 INTRODUCED BY E. HILL SMITH  
3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PRIVACY IN COMMUNICATIONS;  
6 PROVIDING THAT THE DISTRIBUTION OF SEXUAL IMAGES WITHOUT THE CONSENT OF THE PERSON  
7 DEPICTED IS ILLEGAL; AMENDING SECTION 45-8-213, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

10

11 **Section 1.** Section 45-8-213, MCA, is amended to read:

12 **"45-8-213. Privacy in communications.** (1) Except as provided in 69-6-104, a person commits the  
13 offense of violating privacy in communications if the person knowingly or purposely:

14 (a) with the purpose to terrify, intimidate, threaten, harass, annoy, or offend, communicates with a person  
15 by electronic communication and uses obscene, lewd, or profane language, suggests a lewd or lascivious act,  
16 or threatens to inflict injury or physical harm to the person or property of the person. The use of obscene, lewd,  
17 or profane language or the making of a threat or lewd or lascivious suggestions is prima facie evidence of an  
18 intent to terrify, intimidate, threaten, harass, annoy, or offend.

19 (b) uses an electronic communication to attempt to extort money or any other thing of value from a  
20 person or to disturb by repeated communications the peace, quiet, or right of privacy of a person at the place  
21 where the communications are received;

22 (c) records or causes to be recorded a conversation by use of a hidden electronic or mechanical device  
23 that reproduces a human conversation without the knowledge of all parties to the conversation. This subsection  
24 (1)(c) does not apply to:

25 (i) elected or appointed public officials or to public employees when the transcription or recording is done  
26 in the performance of official duty;

27 (ii) persons speaking at public meetings;

28 (iii) persons given warning of the transcription or recording, and if one person provides the warning, either  
29 party may record; or

30 (iv) a health care facility, as defined in 50-5-101, or a government agency that deals with health care if



