

**Unofficial Draft Copy**

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LC1j97

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act requiring the board of pardons and parole to electronically record meetings of the board and all hearings held to consider parole, rescission, revocation, or clemency decisions; and amending section 46-23-110, MCA."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 46-23-110 , MCA, is amended to read:

**"46-23-110. Records -- dissemination.** (1) The department and the board shall keep a record of the board's acts and decisions, including that meetings held pursuant to 46-23-104(2) and all hearings conducted under part 2 or part 3 of this chapter or 46-23-1025 must be electronically recorded. Citizens may inspect and make copies of the public records of the board, as provided in 2-6-102, 2-6-110, and this section.

(2) Records and materials that are constitutionally protected from disclosure are not subject to disclosure under the provisions of subsection (1). Information that is constitutionally protected from disclosure is information in which there is an individual privacy or safety interest that clearly exceeds the merits of public disclosure.

(3) Upon a request to inspect or copy records of the board's

acts and decisions, the board or a board staff member shall review the file requested and determine whether any document in the file or content in an electronic recording is subject to a personal privacy or safety interest that clearly exceeds the merits of public disclosure.

(4) The board may assert the privacy or safety interest and may withhold a document or redact content of an electronic recording if the board determines that the demand for individual privacy clearly exceeds the merits of public disclosure or if the document's or recording's contents would compromise the safety, order, or security of a facility or the safety of facility personnel, a member of the public, or an inmate of the facility if disclosed.

(5) The board may not withhold from public scrutiny under subsections (2) through (4) any more information than is required to protect an individual privacy interest or a safety interest.

(6) (a) The board may charge a reasonable fee for copying and inspecting records.

(b) The board may charge a reasonable fee for an electronic recording as provided in 2-6-110.

(7) The board may limit the time and place that the records may be inspected or copied."

{*Internal References to 46-23-110: None.*}

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