

Unofficial Draft Copy

As of June 19, 2006

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A Bill for an Act entitled: "An Act regulating the collection and dissemination of social security numbers by governmental entities and providing criminal penalties for governmental entity employees who knowingly, intentionally, or recklessly disclose a social security number and for persons who knowingly, intentionally, or recklessly make false statements to obtain the social security number of another person from a governmental entity."

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

NEW SECTION. Section 1. Protection of individual social security numbers -- criminal penalties. (1) For the purposes of this section, "governmental entity" means the state, counties, municipalities, school districts, and any other local government entity or local political subdivision. The term does not include the judicial branch of state government.

(2)(a) Except as provided in subsection (2)(b), a person may not include and a governmental entity may not require a person to include the social security number of a person on any document that is recorded, filed, or otherwise submitted to the governmental entity on or after [the effective date of this section].

(b) If the social security number of a person is required to be included in a document that is recorded, filed, or otherwise submitted to a governmental entity on or after [the effective date of this section], pursuant to a specific state or federal law, for the administration of a public program, or for an application for a federal or state grant, the governmental entity shall ensure that the social security number is maintained in a confidential manner.

(c)(i) A governmental entity that obtains a social security number as provided in subsection (2)(b) may only disclose the social security number:

- (A) to carry out a specific state or federal law;
- (B) for the administration of a public program or an application for a federal or state grant; or
- (C) to another state or federal governmental entity.

(ii) A state law enforcement entity may, for the purpose of furthering an investigation, disclose the social security number of a person to any person, state or federal governmental entity, or other legal entity.

(3)(a) A governmental entity shall provide notice of the provisions of this section to persons that submit documents to the governmental entity.

(b) A governmental entity may require a person who submits a document to the governmental entity to provide an affirmation that the document does not contain the social security number of any person and may refuse to record, file, or otherwise accept a

document that does not contain or is not accompanied by such an affirmation.

(4)(a) A governmental entity shall comply with the provisions of this section by removing or completely and permanently obscuring a social security number on a public record before disclosing the record to the public.

(b) The removing or obscuring of a social security number by a governmental entity pursuant to this subsection (4) may not be construed as affecting the legality of the document containing the social security number.

(5)(a) An employee of a governmental entity who knowingly, intentionally, or recklessly discloses a social security number in violation of the provisions of this section is guilty of a misdemeanor.

(b) A person who knowingly, intentionally, or recklessly makes a false representation to a governmental entity to obtain another person's social security number is guilty of a misdemeanor.

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