



AN ACT ALLOWING ONLY PREMISES LICENSED UNDER TITLE 16 AND TITLE 23 TO USE ACCESS CONTROL SYSTEMS; ALLOWING FOR IMMEDIATE ACCESS FOR DEPARTMENT OF JUSTICE REPRESENTATIVES AND LOCAL LAW ENFORCEMENT OFFICERS TO A LICENSED GAMBLING PREMISES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 16-6-103 AND 23-5-628, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 16-6-103, MCA, is amended to read:

"16-6-103. Examination of retailer's premises and carriers' cars and aircraft -- access control systems permitted -- rulemaking. (1) The department of justice or its representative or a peace officer may at any time examine the premises of a retail licensee to determine whether the law of Montana and the rules of the department or the department of justice are being complied with and also may inspect cars or aircraft of any common carrier system licensed under this code.

(2) Nothing in subsection (1) prohibits a licensee who also is licensed under Title 23 from implementing an access control system that meets the requirements of this section.

(a) A licensee apply to the department to use an access control system for any of the licensee's licensed premises. The department shall develop an application form for the licensee to request the use of an access control system. The licensee must obtain approval from local law enforcement prior to sending in the application. Upon receipt of the application, the department shall request approval from the department of justice, gambling control division. If all parties approve the application, the department shall notify the licensee the date the access control system may be activated. A licensee may not use an access control system without first obtaining approval implementing an access control system shall notify the department and local law enforcement prior to the date the licensee begins using an access control system. A licensee shall also notify the department and local law enforcement when the licensee ceases to use the access control system.

multiple violations under Title 23 or this title or both.

~~(c) The department's denial of an application for an access control system or revocation of approval for an access control system is subject to appeal as provided under this title and must be in conformity with the provisions of the Montana Administrative Procedure Act, Title 2, chapter 4. The department shall provide reasons for its denial or revocation in writing.~~

~~(b) For purposes of this section the following definitions apply:~~

~~(i) "Access control system" means any system that temporarily restricts access to the licensed premises during business hours by locking the main entrance and requiring a person to gain access by approval of the licensee or employees of the licensee. An access control system must provide immediate access to the department or its representative or a local peace officer.~~

~~(ii) "Immediate access" means that the department or its representative or a local peace officer who is identified as such is not unreasonably denied access to the premises.~~

~~(3) The department may adopt rules to implement this section."~~

Section 2. Section 23-5-628, MCA, is amended to read:

"23-5-628. Inspection of premises, records, and devices. The department or a local law enforcement official may inspect at any time ~~during normal business hours~~ a premises, as defined in 23-5-112, or a facility where gambling devices are manufactured or distributed. The inspection may include the examination of records, equipment, and proceeds related to the operation of a gambling activity or the manufacture or distribution of a gambling device. A premises may use an access control system as provided in 16-6-103."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0119, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 119

INTRODUCED BY M. BLASDEL

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