68th Legislature 2023 SB 464.1

1	SENATE BILL NO. 464		
2	INTRODUCED BY J. TREBAS, L. BREWSTER, D. EMRICH		
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO EYEWITNESS LINEUPS;		
5	PROVIDING REQUIRED PROCEDURES AND REMEDIES FOR NONCOMPLIANCE; AND PROVIDING		
6	DEFINITIONS."		
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
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10	NEW SECTION. Section 1. Definitions. As used in [sections 1 and 2], unless the context clearly		
11	indicates otherwise, the following definitions apply:		
12	(1) "Eyewitness" means a person whose identification by sight of another person may be relevant		
13	in a criminal proceeding.		
14	(2) "Live lineup" means a group of people displayed to an eyewitness for the purpose of		
15	determining if the eyewitness can identify the perpetrator of a crime.		
16	(3) "Photographic lineup" means an array of photographs displayed to an eyewitness for the		
17	purpose of determining if the eyewitness can identify the perpetrator of a crime.		
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19	NEW SECTION. Section 2. Lineup procedure. A lineup conducted by a law enforcement agency of		
20	this state or any political subdivision must meet the following requirements:		
21	(1) The peace officer who is the administrator of a live or photographic lineup must be unaware o		
22	which person in the lineup is the suspected perpetrator of the crime under investigation or, if that is not		
23	practicable, the administrator shall use a photographic lineup that prevents the administrator from seeing which		
24	member of the photographic lineup is being viewed by the eyewitness.		
25	(2) Before the lineup is administered, the eyewitness must be instructed that the suspected		
26	perpetrator may or may not be in the lineup.		
27	(3) Any person who is not the suspected perpetrator in the lineup must be substantially similar to		
28	the eyewitness's description of the suspected perpetrator.		



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1	(4)	Immediately after an identification is made, the eyewitness shall provide a statement in the	
2	eyewitness's o	wn words that articulates the level of the eyewitness's confidence in the identification.	
3	(5)	A failure to comply with any of the requirements of this section must be:	
4	(a)	considered by a court in adjudicating a motion to suppress eyewitness identification; and	
5	(b)	admissible in support of a claim of eyewitness misidentification if the evidence is otherwise	
6	admissible.		
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8	<u>NEW</u>	SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified	
9	as an integral part of Title 46, chapter 4, and the provisions of Title 46, chapter 4, apply to [sections 1 and 2].		
10		- END -	

