

## SENATE BILL NO. 566

INTRODUCED BY L. SMITH, M. YAKAWICH, J. SECKINGER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE REGULATION OF SECURE YOUTH TRANSPORTATION COMPANIES; REQUIRING A SECURE YOUTH TRANSPORTATION COMPANY TO REGISTER ANNUALLY WITH THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PUBLISH A LIST OF REGISTERED SECURE YOUTH TRANSPORT PROVIDERS; REQUIRING A SECURE YOUTH TRANSPORTATION COMPANY TO NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES WHEN THE COMPANY PLANS TO TRANSPORT A CHILD IN THE STATE; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO MAINTAIN RECORDS OF TRANSPORTS CONDUCTED BY SECURE YOUTH TRANSPORTATION COMPANIES AND PROVIDE ACCESS TO THE RECORDS TO A PERSON WHO WAS THE SUBJECT OF A TRANSPORT AND TO THE DEPARTMENT OF JUSTICE FOR THE PURPOSE OF INVESTIGATING AND PROSECUTING HUMAN TRAFFICKING CASES; PROHIBITING A SECURE YOUTH TRANSPORTATION COMPANY FROM USING CHEMICAL OR PHYSICAL RESTRAINTS OR VISUALLY IMPAIRING A CHILD; AND PROVIDING DEFINITIONS."

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

NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 3], the following definitions apply:

(1) "Chemical restraint" means the use of a drug or medication to control behavior or restrict the program participant's freedom of movement that is not a standard treatment for the program participant's medical or psychiatric condition.

(2) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of the free movement of an individual's arms, legs, or head.

(3) (a) "Secure youth transportation company" means a private business or nonprofit that specializes in the transport of children.

(b) The term does not include the transport of a child by a law enforcement officer, department employee, or other public employee in the course of that officer or employee's official duties.

(4) "Visually impair" means the use of an item that limits or impairs the vision of a person, such as a hood or blindfold.

**NEW SECTION. Section 2. Secure youth transportation company -- registration -- duties of department.** (1) (a) A secure youth transportation company shall register with the department of public health and human services annually and shall pay an annual fee prescribed by the department.

(b) The department shall provide a form for the registration of a secure youth transportation company that includes:

- (i) the name of the company;
- (ii) the name of each owner of the company;
- (iii) each state in which the company is registered as a business and its business license number or equivalent identifier in each state;
- (iv) the license plate number of each vehicle used by the company to transport youth and the state where each vehicle is registered;
- (v) a notice that secure youth transport providers are required to comply with the provisions of [sections 1 through 3]; and
- (vi) any additional information required by the department to protect the welfare and safety of children and to prevent human trafficking.

(2) The department shall publish a list of registered secure youth transport providers publicly on its website and update the list at least once each quarter.

**NEW SECTION. Section 3. Human trafficking prevention -- child welfare protection -- duties of secure youth transportation company -- duties of department of public health and human services.** (1) A minimum of 48 hours before a transport occurs, a secure youth transportation company shall notify the department of public health and human services on an electronic form prescribed by the department that the company intends to transport a child to a location in the state or that it is transporting a child through the state.

1 The electronic form must include:

- 2 (a) the name, age, and birth date of the child who is the subject of the transport;
- 3 (b) the name and contact information for the child's parent or guardian;
- 4 (c) the name of the secure youth transportation company;
- 5 (d) the first and last name of each employee of the secure youth transportation company involved
- 6 in the transport;
- 7 (e) where the company will pick up and leave the child; and
- 8 (f) any additional information required by the department to prevent human trafficking and to
- 9 protect the safety and welfare of the child who is the subject of the transport.
- 10 (2) (a) The department of public health and human services shall maintain a record of a notification
- 11 required under subsection (1) for a minimum of 10 years.
- 12 (b) The department shall grant the department of justice access to all records of notifications
- 13 required under subsection (1) for the purpose of investigating and prosecuting human trafficking cases.
- 14 (c) The department shall grant a person access to a record of a notification required under
- 15 subsection (1) if the person was the subject of the transport.
- 16 (3) A secure youth transportation company shall tell the child the name of the company and the
- 17 first and last name of each employee involved in the transport.
- 18 (4) A secure youth transportation company may not:
- 19 (a) use a physical restraint or a chemical restraint or visually impair a child; and
- 20 (b) pick up a child for transport between the hours of 9 p.m. and 6 a.m.

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22 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be

23 codified as an integral part of Title 52, chapter 2, and the provisions of Title 52, chapter 2, apply to [sections 1

24 through 3].

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