

app'd 3/18

ORDER OF BUSINESS NO. 5 - FINAL CONSIDERATION
STYLE AND DRAFTING - BILL OF RIGHTS - NO. VIII

PREAMBLE

We the people of Montana grateful to God for the
quiet beauty of our state, the grandeur of our mountains,
the vastness of our rolling plains, and desiring to
improve the quality of life, equality of opportunity and
to secure the blessings of liberty for this and future
generations do ordain and establish this constitution.

ARTICLE _____

DECLARATION OF RIGHTS

I attest that this is a true copy of an
original document held by the Montana
Historical Society Archives

[Signature]
State Archivist

RS 22 Box 4, f. 24

Section 1. POPULAR SOVEREIGNTY. All political power
is vested in and derived from the people. All government
of right originates with the people, is founded upon
their will only, and is instituted solely for the good of
the whole.

Section 2. SELF-GOVERNMENT. The people have the
exclusive right of governing themselves as a free, sovereign,
and independent state. They may alter or abolish the consti-
tution and form of government whenever they deem it
necessary.

Section 3. INALIENABLE RIGHTS. All persons are born
free and have certain inalienable rights. They include the
right to a clean and healthful environment and the rights
of pursuing life's basic necessities, enjoying and defending
their lives and liberties, acquiring, possessing and protect-
ing property, and seeking their safety, health and happiness
in all lawful ways. In enjoying these rights, all persons
recognize corresponding responsibilities.

1 Section 4. INDIVIDUAL DIGNITY. The dignity of the
2 human being is inviolable. No person shall be denied the
3 equal protection of the laws. Neither the state nor any
4 person, firm, corporation, or institution shall discriminate
5 against any person in the exercise of his civil or political
6 rights on account of race, color, sex, culture, social origin
7 or condition, or political or religious ideas.

8 Section 5. FREEDOM OF RELIGION. The state shall make
9 no law respecting an establishment of religion or prohibiting
10 the free exercise thereof.

11 Section 6. FREEDOM OF ASSEMBLY. The people shall have
12 the right peaceably to assemble, petition for redress or
13 peaceably protest governmental action.

14 Section 7. FREEDOM OF SPEECH, EXPRESSION, AND PRESS.
15 No law shall be passed impairing the freedom of speech or
16 expression. Every person shall be free to speak or publish
17 whatever he will on any subject, being responsible for all
18 abuse of that liberty. In all suits and prosecutions for
19 libel or slander the truth thereof may be given in evidence;
20 and the jury, under the direction of the court, shall
21 determine the law and the facts.

22 Section 8. RIGHT OF PARTICIPATION. The public has the
23 right to expect governmental agencies to afford such reason-
24 able opportunity for citizen participation in the operation
25 of the agencies prior to the final decision as may be
26 provided by law.

27 Section 9. RIGHT TO KNOW. No person shall be deprived
28 of the right to examine documents or to observe the
29 deliberations of all public bodies or agencies of state
30 government and its subdivisions, except in cases in which

1 the demand of individual privacy clearly exceeds the
2 merits of public disclosure.

3 Section 10. RIGHT OF PRIVACY. The right of indivi-
4 dual privacy is essential to the well-being of a free
5 society and shall not be infringed without the showing of
6 a compelling state interest.

7 Section 11. SEARCHES AND SEIZURES. The people shall
8 be secure in their persons, papers, homes and effects from
9 unreasonable searches and seizures. No warrant to search
10 any place, or seize any person or thing shall issue with-
11 out describing the place to be searched or the person or
12 thing to be seized, or without probable cause, supported
13 by oath or affirmation reduced to writing.

14 Section 12. RIGHT TO BEAR ARMS. The right of any
15 person to keep or bear arms in defense of his own home,
16 person, and property, or in aid of the civil power when
17 thereto legally summoned, shall not be called in question,
18 but nothing herein contained shall be held to permit the
19 carrying of concealed weapons.

20 Section 13. RIGHT OF SUFFRAGE. All elections shall
21 be free and open, and no power, civil or military, shall
22 at any time interfere to prevent the free exercise of the
23 right of suffrage.

24 Section 14. ADULT RIGHTS. A person 18 years of age
25 or older is an adult for all purposes.

26 Section 15. RIGHTS OF PERSONS NOT ADULTS. The rights
27 of persons under 18 years of age shall include, but not be
28 limited to, all the fundamental rights of this article
29 unless specifically precluded by laws which enhance the
30 protection of such persons.

1 Section 16. THE ADMINISTRATION OF JUSTICE. Courts of
2 justice shall be open to every person, and speedy remedy
3 afforded for every injury of person, property, or character.
4 No person shall be deprived of this full legal redress for
5 injury incurred in employment for which another person may
6 be liable except as to fellow employees and his immediate
7 employer who hired him if such immediate employer provides
8 coverage under the Workmen's Compensation Laws of this
9 state. Right and justice shall be administered without
10 sale, denial, or delay.

11 Section 17. DUE PROCESS OF LAW. No person shall be
12 deprived of life, liberty, or property without due process
13 of law.

14 Section 18. STATE SUBJECT TO SUIT. The state, counties,
15 cities, towns, and all other local governmental entities
16 shall have no immunity from suit for injury to a person or
17 property. This provision shall apply only to causes of action
18 arising after July 1, 1973.

19 Section 19. HABEAS CORPUS. The privilege of the writ
20 of habeas corpus shall never be suspended.

21 Section 20. INITIATION OF PROCEEDINGS. (1) Criminal
22 offenses within the jurisdiction of any court inferior to the
23 district court shall be prosecuted by complaint. All criminal
24 actions in district court, except those on appeal, shall be
25 prosecuted either by information, after examination and commit-
26 ment by a magistrate or after leave granted by the court, or
27 by indictment without such examination, commitment or leave.

28 (2) A grand jury shall consist of eleven persons,
29 of whom eight must concur to find an indictment. A grand
30 jury shall be drawn and summoned only at the discretion and

1 order of the district judge.

2 Section 21. BAIL. All persons shall be bailable by
3 sufficient sureties, except for capital offenses, when
4 the proof is evident or the presumption great.

5 Section 22. EXCESSIVE SANCTIONS. Excessive bail
6 shall not be required, or excessive fines imposed, or
7 cruel and unusual punishments inflicted.

8 Section 23. DETENTION. No person shall be imprisoned
9 for the purpose of securing his testimony in any criminal
10 proceeding longer than may be necessary in order to take
11 his deposition. If he can give security for his appear-
12 ance at the time of trial, he shall be discharged upon
13 giving the same; if he cannot give security, his deposition
14 shall be taken in the manner provided by law, and in the
15 presence of the accused and his counsel, or without their
16 presence, if they shall fail to attend the examination
17 after reasonable notice of the time and place thereof.

18 Section 24. RIGHTS OF THE ACCUSED. In all criminal
19 prosecutions the accused shall have the right to appear
20 and defend in person and by counsel; to demand the nature
21 and cause of the accusation; to meet the witnesses against
22 him face to face; to have process to compel the attendance
23 of witnesses in his behalf, and a speedy public trial by
24 an impartial jury of the county or district in which
25 the offense is alleged to have been committed, subject
26 to the right of the state to have a change of venue for
27 any of the causes for which the defendant may obtain the
28 same.

29 Section 25. SELF-INCRIMINATION AND DOUBLE JEOPARDY.
30 No person shall be compelled to testify against himself

1 in a criminal proceeding. No person shall be again put
2 in jeopardy for the same offense previously tried in any
3 jurisdiction.

4 Section 26. TRIAL BY JURY. The right of trial by
5 jury is secured to all and shall remain inviolate. But
6 upon default of appearance or by consent of the parties
7 expressed in such manner as the law may provide, all cases
8 may be tried without a jury or before fewer than the number
9 of jurors provided by law. In all civil actions, two-thirds
10 of the jury may render a verdict, and a verdict so rendered
11 shall have the same force and effect as if all had concurred
12 therein. In all criminal actions, the verdict shall be
13 unanimous.

14 Section 27. IMPRISONMENT FOR DEBT. No person shall
15 be imprisoned for debt except in the manner provided by
16 law, upon refusal to deliver up his estate for the bene-
17 fit of his creditors, or in cases of tort, where there
18 is strong presumption of fraud.

19 Section 28. RIGHTS OF THE CONVICTED. Laws for the
20 punishment of crime shall be founded on the principles of
21 prevention and reformation. Full rights are restored by
22 termination of state supervision for any offense against
23 the state.

24 Section 29. EMINENT DOMAIN. Private property shall
25 not be taken or damaged for public use without just
26 compensation to the full extent of the loss having been first
27 made to or paid into court for the owner. In the event of
28 litigation, just compensation shall include necessary
29 expenses of litigation to be awarded by the court when the
30 private property owner prevails.

1 Section 30. TREASON AND DESCENT OF ESTATES. Treason
2 against the state shall consist only in levying war against
3 it, or in adhering to its enemies, giving them aid and
4 comfort; no person shall be convicted of treason except on
5 the testimony of two witnesses to the same overt act, or
6 on his confession in open court; no person shall be attaint-
7 ed of treason or felony by the legislature; no conviction
8 shall cause the loss of property to the relatives or heirs
9 of the convicted. The estates of suicides shall descend or
10 vest as in cases of natural death.

11 Section 31. EX POST FACTO, OBLIGATION OF CONTRACTS,
12 AND IRREVOCABLE PRIVILEGES. No ex post facto law nor any
13 law impairing the obligation of contracts, or making any
14 irrevocable grant of special privileges, franchises, or
15 immunities, shall be passed by the legislature.

16 Section 32. CIVILIAN CONTROL OF THE MILITARY. The
17 military shall always be in strict subordination to the
18 civil power; no soldier shall in time of peace be
19 quartered in any house without the consent of the owner,
20 nor in time of war, except in the manner provided by law.

21 Section 33. IMPORTATION OF ARMED PERSONS. No armed
22 person or persons or armed body of men shall be brought
23 into this state for the preservation of the peace, or the
24 suppression of domestic violence, except upon the
25 application of the legislature, or of the governor when
26 the legislature cannot be convened.

27 Section 34. UNENUMERATED RIGHTS. The enumeration in
28 this constitution of certain rights shall not be construed
29 to deny, impair, or disparage others retained by the people.

30 Section 35. SERVICEMEN, SERVICEWOMEN, AND VETERANS.

1 The people declare that Montana servicemen, servicewomen,
2 and veterans may be given special considerations determined
3 by the legislature.

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