



In bill text the following have special meaning:

green underline denotes added text

~~dark red struck out text~~ denotes deleted text

red text denotes vetoed text

The symbol, , indicates a link to an affected code section

2011 MT D 2079

AUTHOR: Sands

VERSION: Filed

VERSION DATE: 02/14/2011

2011 Montana Legislature

UNAPPROVED DRAFT BILL -- Subject to Change Without Notice!

JOINT RESOLUTION NO.

INTRODUCED BY

(Primary Sponsor)

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE TRANSPORTATION SECURITY ADMINISTRATION TO REPEAL RECENT CHANGES TO ITS PROCEDURE FOR CONDUCTING PAT-DOWN SEARCHES AT AIRPORT SECURITY CHECKPOINTS.

WHEREAS, the Transportation Security Administration (TSA) is responsible for screening airline passengers and personnel for weapons, explosives, and other contraband that pose a threat to airport security and to the safety of the general public; and

WHEREAS, current TSA screening policy requires that airline passengers and personnel either pass through advanced-imaging technology scanners or elect to undergo a pat-down search administered by a TSA employee; and

WHEREAS, the TSA, on October 28, 2010, began implementing new pat-down procedures that involve a more intrusive, full-body search, during which TSA employees make physical contact with sensitive areas of the body; and

WHEREAS, these new procedures are potentially offensive and humiliating to the individual upon whom they are imposed and particularly egregious in their application to women, children, and disabled members of our society; and

WHEREAS, these full-body scans and pat-down procedures are an intrusion of personal privacy and a violation of the Fourth Amendment of the United States Constitution and Article II, section 11, of the Montana Constitution, which specifically protect citizens from unreasonable searches and seizures; and

WHEREAS, these full-body scans and pat-down procedures violate the Religious Freedom Restoration Act, 42 U.S.C. 2000bb, et seq., by requiring persons with strongly held religious beliefs about personal modesty to submit to the intrusive imaging or an enhanced pat-down that requires a TSA agent to contact a person's genitals, and these methods have been publicly rejected by religious leaders of a variety of faiths.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature expresses its opposition to the full-body scans and the new, more intrusive TSA pat-down procedures that were adopted on October 28, 2010, and urges the TSA to immediately terminate the procedures.

BE IT FURTHER RESOLVED, that the Legislature calls on the TSA to resume conducting pat-down searches in accordance with the less intrusive procedures that were in place prior to the changes made on October 28, 2010.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the Administrator of the Transportation Security Administration, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Montana's Congressional Delegation, and the Governor of the State of Montana.

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