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**MONTANA FIRST JUDICIAL DISTRICT COURT,
 LEWIS & CLARK COUNTY**

VALLEY NEIGHBORS OF THE
 FLATHEAD

Plaintiff,

vs.

STATE OF MONTANA; AUSTIN
 KNUDSEN, in his official capacity as
 the ATTORNEY GENERAL OF THE
 STATE OF MONTANA.

Defendant.

Cause No.: _____

Complaint

INTRODUCTION

In 2025, the Montana Legislature passed House Bill 278 (“HB 278”), which would authorize Montana law enforcement officers to conduct prolonged, warrantless investigative detentions of civil immigration violations based solely on reasonable suspicion. But the Montana Constitution only tolerates temporary warrantless detentions and requires law enforcement officers to base investigations on particularized suspicion of criminal activity. Worse, beyond selecting one type of civil

violation and reducing the standard of constitutional protection for only that type of violation, HB 278 authorizes officers to rely on an individual's national origin and race to establish suspicion. In other words, HB 278 authorizes warrantless arrests for non-jailable offenses and deprives individuals of constitutional protections relying on their national origin and race. The Court should declare HB 278 unconstitutional and enjoin its enforcement.

JURISDICTION AND VENUE

1. Plaintiff brings this action under the Montana Constitution. Article II, Section 11 of the Montana Constitution provides this Court with original jurisdiction, as does § 3-5-302, MCA.

2. This Court has jurisdiction to grant declaratory relief pursuant to § 27-8-201, *et seq.*, MCA, and injunctive relief pursuant to § 27-19-101, *et seq.*, MCA.

3. Venue is proper in Lewis and Clark County under § 25-2-126(1), MCA.

PARTIES

4. Plaintiff Valley Neighbors of the Flathead ("Valley Neighbors") is a nonprofit organization in Flathead County, Montana. Valley Neighbors strives to foster and sustain a welcoming environment within the Flathead Valley for everyone. Valley Neighbors works with and welcomes immigrant neighbors by connecting immigrants to resources while building community, language, and cultural bridges. Valley Neighbors believes that immigrants make communities stronger.

5. Valley Neighbors provides immigrants with housing support, legal referrals and funding, medical and dental referrals, language services, educational

system support and access, help in accessing benefits and services, and assistance in navigating a new cultural landscape.

6. Since April 2025, Valley Neighbors has observed an uptick in local law enforcement officers transforming routine traffic stops into immigration investigations and detentions, based largely on race, ethnicity, and language minority status. These stops often begin as investigations and citations for minor traffic infractions, such as broken taillights, cracked windshields, and license plate illumination, among others. But they routinely end up involving federal immigration enforcement agencies and officers.

7. For example, in April 2025, the Whitefish Police Department pulled over a Venezuelan national with legal presence, purportedly for a broken taillight. Despite having proof of the individual's lawful presence in the United States, the Whitefish Police Department initiated an immigration investigation because the individual spoke Spanish. Without legal basis, the Whitefish Police Department detained the individual, transferred him to U.S. Customs and Border Protection, and caused him to spend almost a week in detention. Whitefish's Chief of Police asserted that the officer had "reasonable suspicion" to investigate the individual's immigration status.

8. Similarly, on July 12, 2025, at about 7:30 AM, the Whitefish Police Department pulled over a group of Honduran nationals. Upon information and belief, the Whitefish Police Department detained these individuals for at least 40 minutes and called Customs and Border Protection during the detention. The Whitefish Police Department arrested and charged the driver of the vehicle with traffic violations.

Upon information and belief, no other individual was charged with any criminal offenses, but the Whitefish Police Department nevertheless detained them and transferred them to Customs and Border Protection.

9. And, on September 14, 2025, the Montana Highway Patrol responded to a traffic incident in Evergreen, Montana. At the incident site, the Highway Patrol Officer encountered a Honduran national and her 17-year-old daughter. Neither mother nor daughter was involved in the incident, and neither was suspected of a crime. Yet the Officer called Customs and Border Protection because the mother and daughter lacked identification. The Officer asserted that the mother and daughter were arrested for “coming on scene after the fact,” which is not a crime.

10. When reached by the press, the Highway Patrol first denied calling federal immigration authorities. Later, the Highway Patrol admitted to calling Customs and Border Protection but asserted its Officer did so “to help translate.”

11. Internal emails disclosed in a prior lawsuit against the Montana Highway Patrol related to racially profiling immigrants indicate that officers were directed to request translation services specifically to prolong a stop to allow federal immigration officials to arrive on the scene and “take over [a] case after the assist.”

12. Local and state law enforcement have specifically cited HB 278 as a basis for this increase in immigration investigations.

13. To protect the Flathead immigrant community from harassment and racial profiling, Valley Neighbors is being forced to divert funds away from its existing programmatic activities and mission towards a new program providing

financial assistance to immigrants for vehicle repair. Valley Neighbors started this new program to ensure community members are in compliance with traffic laws, in response to the increase in law enforcement vehicle stops targeting immigrants or perceived immigrants for minor violations of the traffic code.

14. As a result, Valley Neighbors has fewer resources to help Montana's immigrant community integrate and succeed.

15. Based on their current experience and the fact that law enforcement is already citing HB 278 as a basis for conducting immigration investigations, Valley Neighbors anticipates that HB 278 will increase the number of pretextual traffic stops and suspicionless immigration investigations by law enforcement.

16. Even before its effective date, HB 278 has influenced local law enforcement action by encouraging officers to engage in unlawful immigration investigations without particularized suspicion of any crime. Once in effect, HB 278 will affirmatively authorize these illegal immigration investigations.

17. HB 278 directly harms Valley Neighbors' core mission by fostering distrust of law enforcement among immigrants and other community members and has already forced Valley Neighbors to divert additional time and resources, including funds, away from ordinary work and towards ensuring community members are in compliance with the traffic code, to prevent suspicionless immigration investigations. This requires Valley Neighbors to divert funding from other activities aimed at welcoming new neighbors into Montana and supporting them as they acclimate to a new cultural landscape.

18. Defendant State of Montana is a duly admitted state of the United States.

19. Defendant Austin Knudsen is the Attorney General, and the chief law enforcement officer of the State of Montana. He oversees agencies charged with implementing HB 278, including the Montana Highway Patrol, and agencies charged with training law enforcement officers in the state, including the Montana Law Enforcement Academy.

COMMON FACTUAL ALLEGATIONS

I. The Legislature enacts House Bill 278.

20. During the 2025 Legislative Session, the Montana Legislature enacted HB 278. H. 278, Mont. 69th Leg. (2025). The Governor signed the bill on April 16. HB 278 has no specified effective date and thus goes into effect on October 1. Section 1-2-201(1), MCA.

21. HB 278 amends § 46-5-401, MCA, to allow a “peace officer who has lawfully stopped a person or vehicle” to “make a reasonable attempt, upon reasonable suspicion and when practicable, to determine the immigration status of the person.” HB 278 also directs peace officers to “make a report to a federal immigration agency . . . if a person stopped under this section is not lawfully present within the United States.” The bill’s express purpose is to authorize Montana peace officers to prolong ordinary traffic stops to investigate a person’s immigration status, without particularized suspicion that a criminal act has occurred.

22. Representative Nelly Nicol sponsored the bill, claiming, “Highway Patrolmen, specifically, cannot currently check immigration status without risk of being sued.” Mont. Leg., H. Jud. Comm. Hrg., at 8:22:40–47 (Jan. 29, 2025).¹

23. Montana law enforcement acknowledged HB 278 will extend the duration of vehicle stops. Lieutenant Colonel Kyle Hayter of the Montana Highway Patrol testified that the Highway Patrol cannot verify immigration status without involving federal immigration agencies: “Currently the Montana Highway Patrol doesn’t have a way to do that without contacting our federal partners and inquiring if we have suspicion to do so.” *Id.* at 8:55:4–8:56:03.

24. Lieutenant Hayter explained that HB 278 would authorize the Highway Patrol to contact federal immigration authorities when someone did not provide identification:

[I]n in most of the cases we’re talking about people aren’t providing any identification to us and so as a means of trying to identify them, we then have to contact our federal partners, see if they’re able to identify them to us. So, if we could not positively identify them, um that the either verbally or physically with whatever documents they provide us, then we would have to take the steps to contact our federal partners to try to do that.

Id. at 8:57:48–8:58:15.

25. During a Senate Judiciary Hearing on March 20, Colonel Kurt Sager of the Highway Patrol testified that normally, simply lacking identification should be

¹ Available at https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20250129/-1/51941#agenda_

“a short detention timeframe,” Mont. Leg., S. Jud. Comm. Hrg., at 8:45:50–56 (Mar. 20, 2025).²

26. But under HB 278, officers can prolong detention for lack of identification indefinitely, “at the mercy of our federal partners.” *Id.* at 8:46:12–16.

27. Similarly, Dan Smith of the Montana Police Protective Association testified that HB 278 would allow officers to extend traffic stops into custodial detention: “You’re talking at least a half-an-hour, forty-five minutes for a turnaround . . . if that person has no sort of ID on them, then you’re probably going to have to wait for somebody to respond to that location.” Mont. Leg., H. Jud. Comm. Hrg., at 9:00:14–38 (Jan. 29, 2025).

28. Kalispell Police Chief Jordan Venezio openly expressed concerns that HB 278 would lead to biased policing, stating “How is a police officer to decide which person to choose to check immigration status? You’re relying on different descriptors that will lead to bias.”³

29. On information and belief, law enforcement officers in Montana are already interpreting HB 278’s vague language to authorize investigations of unlawful presence, without particularized suspicion, regardless of whether any criminal act has occurred.

² Available at https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20250320/-1/53009#agenda_

³ Hailey Smalley, *Opponents warn bill will lead to racial profiling in Montana*, The Daily Interlake, Feb. 7, 2025, <https://dailyinterlake.com/news/2025/feb/07/opponents-say-bill-introduces-unnecessary-bias-to-traffic-stops/#>

30. Unlawful presence in the United States is not automatically a crime. *Reynaga Hernandez v. Skinner*, 969 F.3d 930, 938 (9th Cir. 2020) (“[I]llegal presence is not a crime.”); *Arizona v. United States*, 567 U.S. 387, 407 (2012) (“As a general rule, it is not a crime for a removable [person] to remain present in the United States.”). As a result, “suspicion of unauthorized presence, alone, does not give rise to an inference that criminal activity is ‘afoot.’” *Melendres v. Arpaio*, 695 F.3d 990, 1001 (9th Cir. 2012) (quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968)).

31. But according to Colonel Sager, HB 278 authorizes officers to investigate immigration status based on mere reasonable suspicion of unlawful presence:

I think they would kind of be one and the same. So, if we have reasonable suspicion that they are here illegally, then we have reasonable suspicion that a crime is committed. So if we have reasonable suspicion that that person is not a U.S. citizen, they have no documentation, whatever it may be, it allows us to check their status and then report to—or deal with our federal partners on it.

Mont. Leg., S. Jud. Comm. Hrg., at 8:49:02–8:50:01 (Mar. 20, 2025).

II. The Montana Constitution requires particularized suspicion for investigatory stops.

32. Like the Fourth Amendment to the United States Constitution, Article II, Section 11 of the Montana Constitution creates an affirmative right to be free from unreasonable searches and seizures. *State v. Haithcox*, 2019 MT 201, ¶ 35, 397 Mont. 103, 447 P.3d 452 (noting that both provisions “similarly protect the right of the people to be secure in their persons, papers, homes, and effects from unreasonable searches and seizures”).

33. “The unique language of the Montana Constitution, however, affords Montanans broader protection of their right to privacy than does the Fourth Amendment to the United States Constitution.” *Id.* This is because Article II, Section 10 of the Montana Constitution, which protects the right of individual privacy absent a compelling state interest, applies to seizures. *State v. Graham*, 2007 MT 358, ¶ 12, 340 Mont. 366, 175 P.3d 885 (Article II, Sections 10 and 11 together impose a heightened privacy standard relative to federal protections and “come into play when an individual has been ‘seized’ by government officials”).

34. Thus, under the Montana Constitution, law enforcement officials cannot arrest a person without probable cause that the individual has committed a crime. *State v. Van Dort*, 2003 MT 104, ¶ 19, 315 Mont. 303, 68 P.3d 728.

35. Warrantless arrests are authorized in limited circumstances. A “peace officer may arrest a person when a warrant has not been issued if the officer has probable cause to believe that the person is committing an offense or that the person has committed an offense and existing circumstances require immediate arrest.” *Id.* (quoting § 46-6-311(1), MCA).

36. Short of arrest, however, there is a “narrow exception” where an officer may temporarily detain an individual to investigate potential criminal activity. *State v. Noli*, 2023 MT 84, ¶ 30, 412 Mont. 170, 529 P.3d 813. To invoke this narrow exception, the officer must have “particularized suspicion.” *Id.* ¶ 31.

37. Particularized suspicion requires specific, articulable, objective facts, from which an experienced officer can form an objective suspicion that a specific

person is or is about to be engaged in criminal activity. *Id.* The Montana Supreme Court established Montana’s constitutional particularized suspicion standard in *State v. Gopher*, 193 Mont. 189, 631 P.2d 293 (1981), and the legislature codified this constitutional standard in § 46-5-401, MCA. *State v. Martinez*, 2003 MT 65, ¶ 22, 314 Mont. 434, 67 P.3d 207.

III. The Montana Constitution’s “particularized suspicion” standard applies to warrantless traffic stops.

38. “A warrantless traffic stop is generally a seizure of a vehicle, the driver, and any passengers for temporary investigative purposes and thus must be conducted by police in strict accordance with the limitations of the temporary investigative stop exception.” *Noli*, ¶ 30.

39. Because investigative detention is a limited exception to the warrant requirement, however, “the duration and scope of a stop may not exceed what is reasonably necessary to confirm or dispel the predicate suspicion for the stop.” *City of Missoula v. Kroschel*, 2018 MT 142, ¶ 13, 391 Mont. 457, 419 P.3d 1208.

40. Thus, if law enforcement conducts a warrantless traffic stop based on particularized suspicion that the person has committed a traffic violation, they are prohibited from extending the stop beyond the time necessary to investigate and complete the traffic stop, unless they have or develop particularized suspicion of a different criminal violation. *Noli*, ¶ 35; *State v. Meza*, 2006 MT 210, ¶ 23, 333 Mont. 305, 143 P.3d 422; *Hulse v. State Dep’t of Justice*, 1998 MT 108, ¶ 40, 289 Mont. 1, 961 P.2d 75. That is, once an investigative detention has run its course, an officer

cannot begin a new investigation without particularized suspicion or probable cause. *State v. Stanley*, 2024 MT 271, ¶ 29, 419 Mont. 61, 558 P.3d 1147.

41. Accordingly, under the Montana Constitution, prolonging a traffic stop to inquire about a driver’s immigration status must be justified by—at a minimum—particularized suspicion of criminal immigration activity.

IV. Montana’s Constitution’s particularized suspicion standard is more demanding than the Fourth Amendment’s reasonable suspicion standard.

42. The Fourth Amendment protects against unreasonable searches and seizures. U.S. Const. Amend. IV. Under the Fourth Amendment, law enforcement officers may only detain an individual for investigatory purposes if they have “reasonable suspicion” that the person is engaged in unlawful conduct. *Reynaga*, 969 F.3d at 937.

43. Particularized suspicion is a higher standard than reasonable suspicion. Montana has long recognized that it will not march “lock-step” with the federal constitution when the state constitution affords greater protections. *See, e.g., State v. Bullock*, 272 Mont. 361, 384, 901 P.2d 61, 75 (1995); *Noli*, ¶ 28.

44. And, unlike the federal constitution, Montana enshrined the fundamental right to privacy in its constitution. Mont. Const. art. II, § 10.

45. Thus, “in the context of the search and seizure protections . . . we have also applied the express protection provided by Article II, Section 10 to ‘recognize[] a broader range’ of expectations of privacy that are objectively reasonable in society than recognized under the Fourth Amendment, . . . resulting in corresponding recognition of a range of warrant and probable cause exceptions to Article II,

Section 11 that is somewhat narrower than those recognized under the Fourth Amendment.” *Noli*, ¶ 28 (quoting *State v. Peoples*, 2022 MT 4, ¶ 13, 407 Mont. 84, 502 P.3d 129); *see also id.* (construing “the Article II, Section 11 protection against unreasonable searches and seizures in accordance with the greater range of privacy protection provided by Article II, Section 10”).

46. The Montana Constitution’s particularized suspicion standard is therefore distinct from and affords greater protection than the federal reasonable suspicion standard. *See, e.g., State v. Hoover*, 2017 MT 236, ¶ 19, 388 Mont. 533, 402 P.3d 1224 (An officer may “articulate[] a reasonable suspicion that an illegal break-in might possibly be in progress” without having “an objectively reasonable, particularized suspicion of criminal activity”).

47. Moreover, Montana’s more demanding particularized suspicion standard rejects seizures based solely on innocent conduct: “When the only bas[es] for suspecting a specific person of wrongdoing [are] inferences that could be drawn from the conduct of virtually any law-abiding person, the resulting suspicion cannot, by definition, be particularized.” *State v. Reeves*, 2019 MT 151, ¶ 13, 396 Mont. 230, 444 P.3d 394. Instead, such suspicion is merely general in nature or an “inarticulable hunch[]” of criminal activity. *Id.* (noting that drawing “inferences of nefariousness” from no more than inarticulable hunches “subject[s] drivers to the perils of profiling and other impermissible motives for initiating traffic stops”) (emphasis added).

48. By contrast, the federal reasonable suspicion standard embraces the use of innocent conduct to establish reasonable suspicion. *See, e.g., United States v.*

Foreman, 369 F.3d 776, 785 (4th Cir. 2004) (“It is important to remember that, in making our reasonable suspicion determination, we must examine the totality of the circumstances, meaning that reasonable suspicion may exist even if ‘each of the[] factors alone is susceptible of innocent explanation.’” (quoting *United States v. Arvizu*, 534 U.S. 266, 277 (2002))).

49. This is especially true in the immigration context. The United States Supreme Court recently suggested, without explanation, that innocent factors alone may establish “reasonable suspicion” of unlawful presence, such as:

- a. Presence at particular locations such as bus stops, car washes, day laborer pickup sites, agricultural sites, and the like;
- b. the type of work one does;
- c. speaking Spanish or speaking English with an accent; and
- d. apparent race or ethnicity.

Noem, et al. v. Vasquez Perdomo, et al., 606 U.S. ___, 2025 WL 2585637, at *1 (Sep. 8, 2025); *contra id.* at *11 (“We should not have to live in a country where the Government can seize anyone who looks Latino, speaks Spanish, and appears to work a low wage job. Rather than stand idly by while our constitutional freedoms are lost, I dissent.”) (Sotomayor J., dissenting).

50. The Montana Constitution does not countenance racial profiling, nor can it tolerate law enforcement officers subjecting people to criminal investigation detentions based on wholly lawful conduct. *Reeves*, ¶ 13.

COUNT ONE
Unconstitutional Reasonable Suspicion Standard
(Violation of the Right to Be Free of Unreasonable Seizure, art. II, § 11)

51. Plaintiff incorporates herein all of the foregoing allegations.

52. HB 278 violates the right to be free from unreasonable seizures under Article II, Section 11 because HB 278 allows law enforcement to conduct warrantless investigative detentions based on “reasonable suspicion,” rather than Montana’s constitutional requirement of “particularized suspicion.”

53. Article II, Section 11 of the Montana Constitution requires particularized suspicion as the minimum constitutional standard for warrantless investigative detentions. *See, e.g., Hoover*, ¶ 17; *State v. Reynolds*, 272 Mont. 46, 49–50, 899 P.2d 540, 542 (1995) (mere suspicion of “possible” traffic violation “combined with no other objective data” insufficient to justify investigatory stop).

54. The legislature knew that the Montana Constitution requires a particularized suspicion standard for temporary investigative detentions but adopted a less-protective reasonable suspicion standard in HB 278. *See, e.g., State v. Bar-Jonah*, 2004 MT 344, ¶ 42, 324 Mont. 278, 102 P.3d 1229 (legislature adopted particularized suspicion standard in statute).

55. The legislature cannot authorize use of a reasonable suspicion standard to justify warrantless investigative detention because that standard conflicts with and undermines the Montana Constitution’s particularized suspicion standard.

56. HB 278’s authorization of immigration investigations based on reasonable suspicion facially violates the Montana Constitution.

57. HB 278 is unconstitutional under Article II, Section 11.

COUNT TWO
Unconstitutional Seizures for Civil Violations
(Violation of the Right to Be Free of Unreasonable Seizure, art. II, § 11)

58. Plaintiff incorporates herein all of the foregoing allegations.

59. HB 278 violates the right to be free from unreasonable seizures under Article II, Section 11 because HB 278 allows for investigative detentions for civil offenses, which is inherently unreasonable.

60. “A law enforcement traffic stop is a constitutional seizure subject to the protections of the Fourth Amendment and Montana Constitution, Article II, section 11.” *Hoover*, ¶ 15. Therefore, a traffic stop may be conducted “without probable cause for an arrest” only if “the officer has an objectively reasonable, particularized suspicion that the person is engaged, or about to engage, in criminal activity.” *Id.* ¶ 17 (emphasis added).

61. Even under the lesser reasonable suspicion standard, “detaining individuals based solely on reasonable suspicion or knowledge that a person was unlawfully present in the United States is not sufficiently premised on criminality to be justified under *Terry*.” *Reynaga*, 969 F.3d at 943 (cleaned up) (emphasis added); *Melendres*, 695 F.3d at 1001 (While seizing the named plaintiffs for “traffic violations may have been supported by reasonable suspicion, any extension of their detention must be supported by additional suspicion of criminality.” (emphasis added)).

62. But HB 278 authorizes law enforcement officers to conduct warrantless investigative detentions for civil offenses. *Melendres*, 695 F.3d at 1001 (“Unlawful presence is not criminal.”); *see Arizona*, 567 U.S. at 407.

63. Article II, Section 11 of the Montana Constitution does not permit law enforcement to perform warrantless seizures for civil violations.

64. HB 278 violates the Montana Constitution because it authorizes officers to seize individuals based on reasonable suspicion of unlawful presence, without developing particularized suspicion of criminality.

COUNT THREE
Unconstitutional Arrests Without Probable Cause
(Violation of the Right to Be Free of Unreasonable Seizure, art. II, § 11)

65. Plaintiff incorporates herein all of the foregoing allegations.

66. HB 278 violates the right to be free from unreasonable seizures under Article II, Section 11 because HB 278 allows for warrantless arrests without probable cause, including arrests for non-jailable offenses.

67. Under the lesser reasonable suspicion standard, “[a] stop for the purposes of investigating unlawful immigration ‘usually consume[s] less than a minute and involve[s] a brief question or two.’” *Reynaga*, 969 F.3d at 938 (quoting *Dunaway v. New York*, 442 U.S. 200, 210–11 (1979)).

68. But Montana law enforcement agencies lack access to any method for independently determining immigration status without delaying the warrantless investigation and involving federal authorities.

69. Furthermore, Montana law enforcement agencies have no legal authority to arrest individuals for civil immigration violations.

70. Detaining an individual on behalf of the federal government for civil immigration violations constitutes a warrantless arrest. *Cf. Ramon v. Short*, 2020 MT 69, ¶¶ 53–54, 399 Mont. 254, 460 P.3d 867.

71. Therefore, under HB 278, Montana law enforcement will detain individuals—beyond the completion of the original investigation—based on a hunch of civil immigration violations, potentially indefinitely, until federal agencies determine immigration status. Such action constitutes a warrantless arrest.

72. HB 278 violates the Montana Constitution because HB 278 allows Montana law enforcement to initiate warrantless custodial arrests without developing particularized suspicion of criminality.

COUNT FOUR

(Violation of the Right to Privacy, art. II, § 10)

73. Plaintiff incorporates herein all of the foregoing allegations.

74. Both Article II, Sections 10 and 11 “come into play when an individual has been ‘seized’ by government officials.” *Graham*, ¶ 12; *see State v. Bauer*, 2001 MT 248, ¶¶ 20–23, 33, 307 Mont. 105, 36 P.3d 892 (declining to follow a recent U.S. Supreme Court decision that “the Fourth Amendment does not forbid a warrantless arrest for a minor criminal offense, such as a misdemeanor seatbelt violation” and concluding that such an arrest is unreasonable under Article II, Sections 10 and 11 of the Montana Constitution).

75. Therefore, authorizing an unreasonable seizure of persons separately violates Article II, Section 10.

COUNT FIVE

(Violation of the Right to Equal Protection, art. II, § 4)

76. Plaintiff incorporates herein all of the foregoing allegations.

77. On its face, HB 278 impermissibly discriminates on the basis of national origin and race.

78. HB 278 targets individuals who were born outside of the United States and subjects them to warrantless seizures, employing a reduced suspicion standard in pursuit of a federal civil immigration infraction.

79. The legislative record and plain language of HB 278 establish that the legislation was motivated in whole or in part to permit discrimination on the basis of national origin or race. The express purpose of HB 278 is to reduce the constitutional protections available to individuals based on their race or national origin.

80. The State would not have enacted HB 278 absent discriminatory motivation based on national origin and race.

81. The State does not have a compelling state interest in authorizing warrantless detentions, based on reasonable suspicion, for civil immigration investigations.

82. HB 278 violates Article II, Section 4.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Declare that HB 278 violates Article II, Section 11 of the Montana Constitution;

B. Declare that HB 278 violates Article II, Section 10 of the Montana Constitution;

C. Declare that HB 278 violates Article II, Section 4 of the Montana Constitution;

C. Enjoin Defendants, as well as their agents and successors in office, from enforcing HB 278;

D. Grant Plaintiff such attorneys' fees and costs as the Court deems just and appropriate;

E. Grant any other and further relief the Court deems appropriate.

Respectfully submitted this 30th day of September 2025

/s/ Andres Haladay
Andres Haladay
Molly Danahy
Rylee Sommers-Flanagan
UPPER SEVEN LAW

Attorneys for Plaintiff