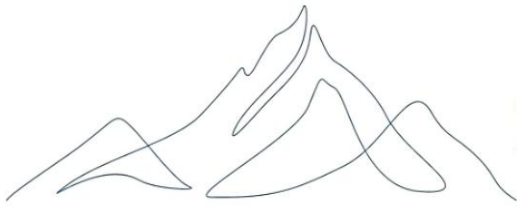


Report of the City Attorney

Update on March 26, 2026 Special Meeting Motion – AG's Office Correspondence



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April 1, 2026

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[Sent Via U.S. Mail and Email Austin.Knudsen@mt.gov]

Austin Knudsen
Montana Attorney General
Department of Justice
325 N. Sanders
PO Box 201401
Helena, MT 59620-1401

Re: Helena Resolution No. 21062

Dear Attorney General Knudsen,

Our firm is honored to represent the City of Helena (“City”) with respect to the above referenced resolution. This responds to your March 10, 2026 cease and desist letter. This letter is intended to respond to your request to clarify the legality of the actions by the Helena City Commission and to invite collaboration with your office.

We strongly disagree that Helena Resolution No. 21062 (“Resolution”) violates Montana’s Sanctuary Jurisdictions statutes, Mont. Code Ann. § 2-1-601, *et seq.*, or any other applicable law. As the Resolution’s preamble clearly states, the Resolution was intended to ensure City officials are not commandeered to perform tasks for the federal government which they are not authorized to perform, and also to protect the dignity of Helena’s immigrant communities consistent with governing law. I am sure you would agree these goals are not only lawful, but noble and just. Respectfully, your interpretation of the Resolution is not consistent with its expressed intent, or its explicit language.

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You first allege that Section 2 of the Resolution “directly conflicts with Montana’s prohibition on sanctuary jurisdictions, specifically ‘sending to, receiving from, exchanging with, or maintaining of a federal, state, or local government entity information regarding a person’s citizenship or immigration status for a lawful purpose.” But your quote from Section 2 of the Resolution is incomplete. You left out the Resolution’s express qualification that information sharing is permitted “as required by law.” Montana’s Sanctuary Jurisdictions statutes are law. Accordingly, the Resolution was never intended to, and in fact does not conflict with, Mont. Code Ann. § 2-1-602, “blatant[ly]” or otherwise.

You next take issue with Section 3, but again disregard express limitations and interpret the provision too broadly. By its express terms, Section 3 supports the Helena Police Department’s policy not to “stop, pursue, interrogate, investigate, arrest, or otherwise detain a person based solely on their immigration status or suspected violations of immigration law.” (Emphasis added.) You claim this would prohibit an officer from complying with a lawful detainer request from federal immigration officers, but that is inaccurate. As you know, a law enforcement officer in Montana has a statutory duty to arrest a person “who is already in custody and the subject of an immigration detainer request.” Mont. Code Ann. § 27-16-801(1); *see also* § 27-1-602(c). Helena Police Department policy mirrors these statutory requirements. In the case of a detainer request, therefore, the request and corresponding statutory duty would constitute the basis for any detention. The Resolution would not apply in that situation because the detention would not be “based solely on [the detainee’s] immigration status or suspected violations of immigration law.”

There being no violation of the statutes’ express terms, you speculate that the Resolution would have a “chilling effect” outside the statutes’ “four corners.” Even if that was true – respectfully, it is not – it is precisely the “four corners” of the statutes that necessarily determine any alleged violation thereof. *E.g., Mont. Indep. Living Project v. City of Helena*, 2021 MT 14, ¶ 11, 403 Mont. 81, 479 P.3d 961 (holding a court’s role is “simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or omit what has been inserted”). Furthermore, your allegation of an alleged “chilling effect” seems designed to impermissibly regulate the free speech rights of locally elected officials.

It is unfortunate you did not reach out to the City to discuss your concerns before threatening litigation and penalties as the City is motivated to work collaboratively with your office. The first the City heard of your concerns, in fact, was through a press conference posted on social media. As you correctly note in the opening sentence of your letter, the Attorney General’s duty is “to enforce Montana law and protect the rule of law in our state.” I would respectfully suggest a

Austin Knudsen

April 1, 2026

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cooperative approach may prove more effective and efficient in furtherance of that objective.

In the spirit of cooperation, and rather than saddle its taxpayers with attorney fees and litigation costs in defending its position, however right and just, the City has opted to repeal the Resolution. The City also opted to work with your office to ensure compliance with Mont. Code Ann. 2-1-602, et. seq. for any future actions. Enclosed is a new proposed version designed to further clarify the City's intent and compliance with all applicable law. We invite your input and engagement regarding the proposed revisions. Please advise within 14 days whether the proposed revisions address your concerns. I look forward to hearing from you.

Sincerely,



Natasha Prinzing Jones

cc: Christian Corrigan (Sent Via U.S. Mail and Email to Christian.Corrigan@mt.gov)

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION MEMORIALIZING CITY OF HELENA POLICY WHEN FEDERAL IMMIGRATION ENFORCEMENT ACTIONS ARE PRESENT WITHIN CITY LIMITS

WHEREAS, pursuant to Article XI, Section 6, of the Montana Constitution, the City of Helena may exercise any power not prohibited by the Montana Constitution, Montana law, or its Charter;

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WHEREAS, the City Commission has historically affirmed its support of the policing followed by the City of Helena as evidenced in Resolution 191181, adopted on December 6, 2004, that contained similar polices supported by this city commission in this Resolution No. 21062;

WHEREAS, the City Commission supports the Helena Police Department's historical and routine collaboration, cooperation and lawful exchange of information with county, state and federal law enforcement partners, which are critical to the maintenance of safe Montana communities;

WHEREAS, the City Commission additionally passed an August 4, 2025 proclamation acknowledging the contributions of people who are immigrants to our community and that denounced the political attacks that pose a serious threat to the civil rights and liberties of all people in this community;

WHEREAS, the Commission acknowledged that the City of Helena continues to stand for the dignity of immigrant communities;

WHEREAS, the Commission heard from the public that it desires a resolution to memorialize the actions currently taken by the Helena Police Department in furtherance of the goals for public safety and protection of its citizens;

WHEREAS, the daily operations and routine work of the Helena Police Department has not and does not involve matters related to immigration over which local law enforcement officers do not have legal authority except as provided by 8 U.S.C. § 1373, Mont. Code Ann. § 2-1-602, § 27-16-801;

WHEREAS, the federal government enforces immigration and naturalization laws and the authority for those activities does not extend to local authorities except as provided by 8 U.S.C. § 1373, Mont. Code Ann. § 2-1-602, § 27-16-801;

WHEREAS, the City of Helena supports open and transparent government operations including local law enforcement's practice to identify themselves, display their badges and identifying information on their uniforms, and perform duties mask-free in compliance with Mont. Code Ann. § 61-12-204 and § 46-5-401;

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WHEREAS, in relation to criminal prosecutions, existing Montana law permits discussion and consideration of adverse immigration consequences pursuant to Mont. Code Ann. §§ 46-12-211, 46-12-210(1)(f), and Montana and federal law recognize the legal relevance of immigration consequences with respect to criminal pleas. State v. Padilla-Canales, 2025 MT 303, ¶¶ 19-21, 425 Mont. 410, 581 P.3d 400; Mont. Code Ann. § 46-12-210(1)(f); Padilla v. Kentucky, 559 U.S. 356, 374 (2010);

WHEREAS, the City is committed to the rule of law and compliance with state and federal law including but not limited to 8 U.S.C. § 1373, Mont. Code Ann. § 2-1-602, § 27-16-801;

WHEREAS, the Commission desires to adopt a resolution recognizing the policies of the City of Helena that further the August 4, 2025 proclamation and Helena Police Department's policy and mission to protect and serve the community of Helena;

WHEREAS, the City is not a "sanctuary city" and does not intend to become a "sanctuary city" by adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The Commission supports the Helena Police Department's policy to enforce ~~its own~~ all applicable public

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safety and protection laws and ordinances, and the avoidance of committing its resources to federal actions for which it has no authority including avoiding any actions that would commit it to a 287(g) agreement pursuant to the Immigration and Nationality Act.

Section 2. The Commission supports that the City of Helena shall not disclose to any person or agency outside city government any sensitive information about any person that comes into the employee's possession during the course and scope of that employee's work for the City of Helena, except as required or allowed by law, including but not limited to 8 U.S.C. § 1373, Mont. Code Ann. § 2-1-602, § 27-16-801, ~~in order to provide a City service or carry out a function of City government or upon receipt of~~ a valid court order. Sensitive information includes confidential identifying information such as social security numbers or individual tax identification numbers, a person's place and date of birth, a person's status as a recipient of public assistance or as a crime victim, and a person's sexual orientation, physical or mental disability, immigration status or national origin. Nothing in the resolution or this section shall prohibit or restrict the exchange of any information for a lawful purpose including information regarding a persons' citizenship or immigration status for a lawful purpose under Mont. Code Ann. § 2-1-602 or 8 U.S.C. § 1373.

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Section 3. The Commission supports the Helena Police Department's policy that it will not, independently ~~or assisting other law enforcement agencies,~~ stop, pursue, interrogate, investigate, arrest, or otherwise detain a person based solely

on their immigration status or suspected violations of immigration law, which policy or practice does not and is not intended to prohibit or restrict compliance with a lawful notification request or lawful detainer request under Mont. Code Ann. § 2-1-602 or § 27-16-801, or prohibit or restrict the exchange of information regarding a persons' citizenship or immigration status for a lawful purpose under Mont. Code Ann. § 2-1-602 or 8 U.S.C. § 1373.

Section 4. The Commission supports the actions of the City of Helena Police Department to request the identification and unmasking of each Department of Homeland Security officer when, in the Helena Police Department officer's sole discretion, the officer feels it will not be interfering with the actions of federal officers exercising their jurisdiction.

Section 5. The Commission supports the City of Helena policy that any prosecutions, in the interests of justice shall may ~~consider the avoidance of~~ adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution. Nothing in this section restricts lawful information-sharing with federal, state, or local agencies under Mont. Code Ann. § 2-1-602 or 8 U.S.C. § 1373 or compliance with lawful notification or detainer requests

under Mont. Code Ann. § 2-1-602 or § 27-16-801, nor does it
create any entitlement to a particular plea.

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