

HOUSE BILL NO. 417

INTRODUCED BY ELLIOTT, SVRCEK, HARPER,
J. RICE, MAZUREK, VAN VALKENBURG,
MERCER, RUSSELL

IN THE HOUSE

JANUARY 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

JANUARY 29, 1991 FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 ON MOTION, CONSIDERATION PASSED

FEBRUARY 25, 1991 SECOND READING, DO PASS AS AMENDED.
ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 92; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 26, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

APRIL 1, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991 RECEIVED FROM SENATE.

APRIL 10, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *417*
 2 INTRODUCED BY *Van Valkenburg* *Stroh* *Harper* *J. Rice* *Mercer*
 3 *Van Valkenburg* *Stroh* *Harper* *J. Rice* *Mercer*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT ACTIVITIES
 5 DESIGNED TO FURTHER CIVIL DISORDER; PROHIBITING CERTAIN
 6 CONSPIRACIES INVOLVING THE USE OF VIOLENCE OR CERTAIN
 7 TRAINING INVOLVING TECHNIQUES CAPABLE OF INJURING PERSONS OR
 8 PROPERTY; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING
 9 EXEMPTIONS FOR CERTAIN LAWFUL ACTIVITIES."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Purpose. The legislature
 13 recognizes every citizen's constitutional right to express
 14 beliefs on any subject, to associate with others who share
 15 similar beliefs, and to keep or bear arms in defense of
 16 home, person, or property. [Sections 1 through 3] are not
 17 intended to interfere with the exercise of rights protected
 18 by the United States constitution or the state constitution.
 19 The legislature finds that conspiracies and training
 20 activities in the furtherance of unlawful acts of violence
 21 against persons or property are not constitutionally
 22 protected, pose a threat to public order and safety, and are
 23 subject to criminal penalties.

24 NEW SECTION. Section 2. Definitions. As used in
 25 [sections 1 through 3], unless the context requires

1 otherwise, the following definitions apply:

2 (1) "Civil disorder" means a public disturbance
 3 involving acts of violence by a group of two or more persons
 4 that causes an immediate danger of or results in injury to
 5 the property or person of any other individual.

6 (2) "Governmental military force" means:

7 (a) the national guard as defined in 10 U.S.C. 101;

8 (b) the organized militia of a state or territory of
 9 the United States, the Commonwealth of Puerto Rico, or the
 10 District of Columbia not included in the definition of the
 11 national guard; and

12 (c) the armed forces of the United States.

13 (3) "Law enforcement agency" means a department of
 14 public safety, a police department, a sheriff's department,
 15 the highway patrol, or a governmental unit of one or more
 16 persons employed by the state or federal government or a
 17 political subdivision of the state or federal government,
 18 for the purpose of detecting and preventing crime and
 19 enforcing laws or ordinances, whose employees are authorized
 20 to make arrests for crimes while acting in the scope of
 21 their authority.

22 (4) "Peace officer" has the meaning given in 45-2-101.

23 NEW SECTION. Section 3. Prohibited activities --
 24 penalties -- exceptions. (1) A person is guilty of a crime
 25 if, with one or more other persons, he purposely:

INTRODUCED BILL

-2- HB 417

1 (a) conspires to injure, oppress, threaten, or
 2 intimidate a person in the free exercise or enjoyment of any
 3 right or privilege secured to him by the constitutions or
 4 laws of the United States or Montana, by the use of violence
 5 against the person or his property;

6 (b) goes on the highway or on the premises of a person
 7 for the purpose of hindering, by the use of violence, the
 8 person in the free exercise or enjoyment of any right or
 9 privilege; or

10 (c) assembles for the purpose of training in,
 11 instructing in the use of, or practicing with any technique
 12 or means capable of causing property damage, bodily injury,
 13 or death, with the purpose of employing the training,
 14 instruction, or practice in a civil disorder.

15 (2) A person convicted of violating the provisions of
 16 subsection (1) is guilty of a felony and shall be imprisoned
 17 in the state prison for a period not to exceed 10 years or
 18 be fined not to exceed \$50,000, or both.

19 (3) Subsection (1) does not prohibit:

20 (a) an act protected pursuant to Article II of the
 21 Montana constitution;

22 (b) an act of a governmental military force;

23 (c) an act of a peace officer performed in the lawful
 24 performance of the officer's duties;

25 (d) an authorized activity of the department of fish,

1 wildlife, and parks; the department of institutions; a law
 2 enforcement agency; or the law enforcement academy;

3 (e) training in nonviolent civil disobedience
 4 techniques;

5 (f) an activity intended to teach or practice
 6 self-defense or self-defense techniques; or

7 (g) a facility, program, or lawful activity related to
 8 firearms instruction or training intended to teach the safe
 9 handling and use of firearms or activities or sports related
 10 to the individual recreational use or possession of
 11 firearms.

12 NEW SECTION. **Section 4. Severability.** If a part of
 13 [this act] is invalid, all valid parts that are severable
 14 from the invalid part remain in effect. If a part of [this
 15 act] is invalid in one or more of its applications, the part
 16 remains in effect in all valid applications that are
 17 severable from the invalid applications.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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TRAINING INVOLVING TECHNIQUES CAPABLE OF INJURING PERSONS OR
PROPERTY; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Purpose.** The legislature
recognizes every citizen's constitutional right to express
beliefs on any subject, to associate with others who share
similar beliefs, and to keep or bear arms in defense of
home, person, or property. [Sections 1 through 3] are not
intended to interfere with the exercise of rights protected
by the United States constitution or the state constitution.
The legislature finds that conspiracies and training
activities in the furtherance of unlawful acts of violence
against persons or property are not constitutionally
protected, pose a threat to public order and safety, and are
subject to criminal penalties.

NEW SECTION. **Section 2. Definitions.** As used in
[sections 1 through 3], unless the context requires
otherwise, the following definitions apply:

(1) "Civil disorder" means a public disturbance
involving acts of violence by a group of two or more persons
that causes an immediate danger of or results in injury to
the property or person of any other individual.

(2) "Governmental military force" means:

(a) the national guard as defined in 10 U.S.C. 101;

(b) the organized militia of a state or territory of
the United States, the Commonwealth of Puerto Rico, or the
District of Columbia not included in the definition of the
national guard; and

(c) the armed forces of the United States.

(3) "Law enforcement agency" means a department of
public safety, a police department, a sheriff's department,
the highway patrol, or a governmental unit of one or more
persons employed by the state or federal government or a
political subdivision of the state or federal government,
for the purpose of detecting and preventing crime and
enforcing laws or ordinances, whose employees are authorized
to make arrests for crimes while acting in the scope of
their authority.

(4) "Peace officer" has the meaning given in 45-2-101.

NEW SECTION. **Section 3. Prohibited activities** --

SECOND READING



1 penalties -- exceptions. (1) A person is guilty of a crime
2 if, with one or more other persons, he purposely:

3 (a) conspires to injure, oppress, threaten, or
4 intimidate a person in the free exercise or enjoyment of any
5 right or privilege secured to him by the constitutions or
6 laws of the United States or Montana, by the use of violence
7 against the person or his property;

8 (b) goes on the highway or on the premises of a person
9 for the purpose of hindering, by the use of violence, the
10 person in the free exercise or enjoyment of any right or
11 privilege; or

12 (c) assembles for the purpose of training in,
13 instructing in the use of, or practicing with any technique
14 or means capable of causing property damage, bodily injury,
15 or death, with the purpose of employing the training,
16 instruction, or practice in a civil disorder.

17 (2) A person convicted of violating the provisions of
18 subsection (1) is guilty of a felony and shall be imprisoned
19 in the state prison for a period not to exceed 10 years or
20 be fined not to exceed \$50,000, or both.

21 (3) Subsection (1) does not prohibit:

22 (a) an act protected pursuant to Article II of the
23 Montana constitution;

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1 performance of the officer's duties;

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3 wildlife, and parks; the department of institutions; a law
4 enforcement agency; or the law enforcement academy;

5 (e) training in nonviolent civil disobedience
6 techniques;

7 (f) an activity intended to teach or practice
8 self-defense or self-defense techniques; or

9 (g) a facility, program, or lawful activity related to
10 firearms instruction or training intended to teach the safe
11 handling and use of firearms or activities or sports related
12 to the individual recreational use or possession of
13 firearms.

14 (4) SUBSECTION (1) DOES NOT APPLY TO AN EMPLOYER OR
15 EMPLOYEES INVOLVED IN A LABOR DISPUTE.

16 NEW SECTION. Section 4. Severability. If a part of
17 [this act] is invalid, all valid parts that are severable
18 from the invalid part remain in effect. If a part of [this
19 act] is invalid in one or more of its applications, the part
20 remains in effect in all valid applications that are
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12 District of Columbia not included in the definition of the
13 national guard; and

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16 public safety, a police department, a sheriff's department,
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9 ~~for the purpose of hindering, by the use of violence, the~~
10 ~~person in the free exercise or enjoyment of any right or~~
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12 (c) OR KNOWINGLY assembles for the purpose of training
13 in, instructing in the use of, or practicing with any
14 technique or means capable of causing property damage,
15 bodily injury, or death, with the purpose of employing the
16 training, instruction, or practice in a civil disorder.

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16 ~~DISPUTE.~~

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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 1, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 417 (third reading copy as amended -- blue), respectfully report that House Bill No. 417 be amended and as so amended be concurred in:

1. Page 2, line 5.

Following: "involving"

Insert: "unlawful"

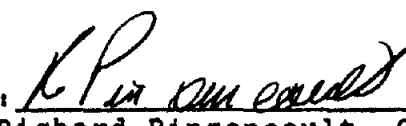
2. Page 4, line 7.

Following: "(f)"

Insert: "lawful self-defense or defense of others or"

3. Page 4, line 12.

Strike: "the individual"

Signed: 

Richard Pinsoneault, Chairman

JAA 4-1-91
And. Coord.

EB 4-1
Sec. of Senate

2:00

SENATE
HB 417

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 5 ~~right-or-privilege-secured-to-him-by--the--constitutions--or~~
 6 ~~laws-of-the-United-States-or-Montana,--by-the-use-of-violence~~
 7 ~~against-the-person-or-his-property;~~
 8 ~~{b}--goes--on-the-highway-or-on-the-premises-of-a-person~~
 9 ~~for-the-purpose-of-hindering,--by-the-use--of--violence,--the~~
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