

House Bill 173

In The House

January 12, 1981	Introduced and referred to Committee on Judiciary.
January 23, 1981	Committee recommend bill do not pass.

1 HOUSE BILL NO. 173
2 INTRODUCED BY *Smith*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
5 OBSTRUCTION OF A PERSON RENDERING AN ESSENTIAL SERVICE
6 CONSTITUTES A CRIME; ENUMERATING ESSENTIAL SERVICES;
7 PROVIDING PENALTIES; AMENDING SECTION 45-7-302, MCA."

8
9 Be IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 45-7-302, MCA, is amended to read:

11 "45-7-302. Obstructing a peace officer, ~~or~~ other
12 public servant, ~~or~~ person rendering an essential service.

13 (1) A person commits the offense of obstructing a peace
14 officer, ~~or~~ public servant, ~~or~~ person rendering an essential
15 service if he knowingly obstructs, impairs, or hinders:

- 16 (a) the enforcement of the criminal laws;
- 17 (b) the preservation of the peace;
- 18 (c) ~~the prevention or control of a fire;~~
- 19 (d) ~~the rendering of emergency medical treatment,~~
- 20 ~~including ambulance services;~~ or

21 (e) the performance of a governmental function.

22 (2) It is no defense to a prosecution under this
23 section that the peace officer was acting in an illegal
24 manner, provided he was acting under color of his official
25 authority.

1 (3) A person convicted of the offense of obstructing a
2 peace officer, ~~or~~ other public servant, ~~or~~ person rendering
3 an essential service shall be fined not to exceed \$500 or be
4 imprisoned in the county jail for a term not to exceed 6
5 months, or both.

6 (4) ~~A person convicted under this section whose~~
7 ~~conduct is determined to be the proximate cause of any~~
8 ~~resulting personal injury or property damage shall be fined~~
9 ~~not to exceed \$10,000 or be imprisoned not to exceed 1 year,~~
10 ~~or both.~~

11 (5) ~~The criminal penalties imposed by this section do~~
12 ~~not affect the liability of the offender for civil damages."~~

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