



1 House BILL NO. 235  
 2 INTRODUCED BY [Signature]  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PENALIZING  
 5 FOR CONTEMPT A PERSON WHO DISOBEYS A SUBPOENA AFTER BEING  
 6 GRANTED IMMUNITY FROM PROSECUTION; AND AMENDING SECTION  
 7 46-4-302, MCA."  
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 46-4-302, MCA, is amended to read:

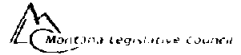
11 "46-4-302. Penalty for failure to obey. (1) A person  
 12 who, without just cause, fails to obey a subpoena served on  
 13 him pursuant to under this part is punishable for contempt  
 14 of court.

15 (2) (a) A person who, after being granted immunity  
 16 under 46-4-305, refuses to give testimony or produce  
 17 evidence under this part must be brought without unnecessary  
 18 delay before the judge issuing the subpoena, or in that  
 19 judge's absence or inability to act, before the nearest or  
 20 most accessible judge, who shall inform the person:

- 21 (i) of the contents and requirements of the subpoena;
- 22 (ii) that he has been granted immunity and may not be
- 23 excused from testifying or producing evidence on the grounds
- 24 that his testimony may incriminate him; and
- 25 (iii) that a refusal to testify or produce evidence as

1 commanded in the subpoena is punishable as a contempt of  
 2 court under Title 3, chapter 1, part 5.  
 3 (b) In the presence of the judge, the person must be  
 4 examined by the county attorney or produce evidence as  
 5 commanded in the subpoena.  
 6 (c) A refusal to testify or produce evidence may be  
 7 punished as a contempt under Title 3, chapter 1, part 5."

-End-



-2- INTRODUCED BILL  
 HB-235

APPROVED BY COMMITTEE  
ON JUDICIARY

1 House BILL NO. 235  
2 INTRODUCED BY Ally

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-End-



-2- SECOND READING  
HB-235

1 House BILL NO. 235  
2 INTRODUCED BY Adley

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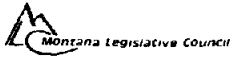
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-End-



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