

House BILL NO. 347

INTRODUCED BY

W. Kattal, Bartlett, Hurdle, Shea, Kent, H. J., Carey

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAW RELATING TO THE CRIME OF THREATENING PUBLIC OFFICIALS; EXPANDING THE OFFENSE OF THREATENING A PUBLIC OFFICIAL TO INCLUDE INJURY TO THE PUBLIC OFFICIAL'S PERSON OR PROPERTY; REVISING THE PENALTY FOR THREATENING A PUBLIC OFFICIAL; INCREASING THE PENALTY FOR IMPERSONATING A PUBLIC OFFICIAL; AND AMENDING SECTIONS 45-7-102 AND 45-7-209, MCA."

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

Section 1. Section 45-7-102, MCA, is amended to read:

"45-7-102. Threats and other improper influence in official and political matters. (1) A person commits an offense under this section if ~~he~~ the person purposely or knowingly:

(a)(i) threatens ~~unlawful~~ harm to any person or the person's property with the purpose to influence ~~his~~ the person's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official, or voter;

~~(b)(ii)~~ threatens harm to any public servant or to the public servant's property with the purpose to influence ~~his~~ the public servant's decision, opinion, recommendation, vote, or other exercise of discretion in a judicial or administrative proceeding;

~~(c)(iii)~~ threatens harm to any public servant or party official or the person's property with the purpose to influence ~~him~~ the person to violate ~~his~~ the person's duty or to prevent the public servant or party official from accepting or holding any public office;

~~(d)(iv)~~ privately addresses to any public servant who has or will have official discretion in a judicial or administrative proceeding any representation, entreaty, argument, or other communication designed to influence the outcome on the basis of considerations other than those authorized by law; ~~or~~

~~(e)(v)~~ as a juror or officer in charge of a jury receives or permits to be received any communication relating to any matter pending before ~~such~~ the jury, except according to the regular course of proceedings; or

(b) injures the person or property of a public servant because of the public servant's lawful

1 discharge of the duties of the office or to prevent the public servant from discharging the public servant's
 2 official duties.

3 (2) It is no defense to prosecution under subsections (1)(a)(i) through ~~(1)(d)~~ (1)(a)(iv) and (1)(b) that
 4 a person whom the offender sought to influence was not qualified to act in the desired way, whether
 5 because ~~he~~ the person had not yet assumed office or lacked jurisdiction or for any other reason.

6 (3) A person convicted under this section ~~shall be fined not to exceed \$500 or imprisoned in the~~
 7 ~~county jail for any term not to exceed 6 months, or both, unless the offender threatened to commit an~~
 8 ~~offense or made a threat with the purpose to influence a judicial or administrative proceeding, in which case~~
 9 ~~the offender~~ shall be fined not to exceed ~~\$50,000~~ \$5,000 or be imprisoned in the state prison for any a
 10 term not to exceed ~~10~~ 5 years, or both."

11

12 **Section 2.** Section 45-7-209, MCA, is amended to read:

13 **"45-7-209. Impersonating Impersonation of a public servant.** (1) A person commits the offense of
 14 impersonating a public servant if ~~he~~ the person falsely pretends to hold a position in the public service with
 15 the purpose to induce another individual to submit to such the pretended official authority or otherwise to
 16 act in reliance upon that pretense to his the individual's prejudice.

17 (2) A person convicted of impersonating a public servant shall be fined not to exceed ~~\$500~~ \$5,000
 18 or be imprisoned in the ~~county jail~~ state prison for any term not to exceed ~~6 months~~ 5 years, or both."

19

-END-

HOUSE BILL NO. 347

INTRODUCED BY KOTTEL, BARTLETT, HURDLE, SHEA, WENNEMAR, CAREY

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~~(b)~~(ii) threatens harm to any public servant, TO THE PUBLIC SERVANT'S SPOUSE, CHILD, PARENT, OR SIBLING, or to the public servant's property with the purpose to influence ~~his~~ the public servant's decision, opinion, recommendation, vote, or other exercise of discretion in a judicial or administrative proceeding;

~~(c)~~(iii) threatens harm to any public servant or party official, THE PERSON'S SPOUSE, CHILD, PARENT, OR SIBLING, or the person's property with the purpose to influence ~~him~~ the person to violate ~~his~~ the person's duty or to prevent the public servant or party official from accepting or holding any public office;

~~(d)~~(iv) privately addresses to any public servant who has or will have official discretion in a judicial or administrative proceeding any representation, entreaty, argument, or other communication designed to influence the outcome on the basis of considerations other than those authorized by law; or

~~(e)~~(v) as a juror or officer in charge of a jury receives or permits to be received any communication relating to any matter pending before ~~such~~ the jury, except according to the regular course of proceedings;

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2 (b) injures the person or property of a public servant OR INJURES THE SERVANT'S SPOUSE,
 3 CHILD, PARENT, OR SIBLING because of the public servant's lawful discharge of the duties of the office
 4 or to prevent the public servant from discharging the public servant's official duties.

5 (2) It is no defense to prosecution under subsections (1)(a)(i) through ~~(1)(d)~~ (1)(a)(iv) and (1)(b) that
 6 a person whom the offender sought to influence was not qualified to act in the desired way, whether
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 12 ~~any a~~ a term not to exceed ~~10~~ 5 10 years, or both."

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14 **Section 2.** Section 45-7-209, MCA, is amended to read:

15 **"45-7-209. ~~Impersonating~~ Impersonation of a public servant.** (1) A person commits the offense of
 16 impersonating a public servant if ~~he~~ the person falsely pretends to hold a position in the public service with
 17 the purpose to induce another individual to submit to such the pretended official authority or otherwise to
 18 act in reliance upon that pretense to ~~his~~ the individual's prejudice.

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~~(b)(ii)~~ threatens harm to any public servant, TO THE PUBLIC SERVANT'S SPOUSE, CHILD, PARENT, OR SIBLING, or to the public servant's property with the purpose to influence ~~his~~ the public servant's decision, opinion, recommendation, vote, or other exercise of discretion in a judicial or administrative proceeding;

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21

-END-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

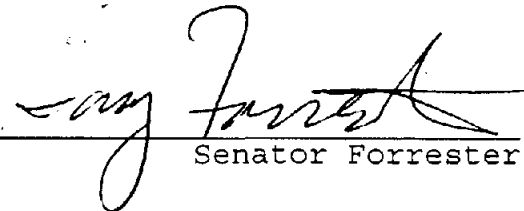
March 10, 1995 2:03 pm

Mr. Chairman: I move to amend HB 347 (third reading copy -- blue).

ADOPT

REJECT

Signed:


Senator Forrester

That such amendments read:

1. Title, line 8.

Strike: first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 21.

Following: line 20

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

-END-

HB 347

SENATE



Amd. Coord.

561403CW.SPV

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2 INTRODUCED BY KOTTEL, BARTLETT, HURDLE, SHEA, WENNEMAR, CAREY

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22

23 **NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND**
24 **APPROVAL.**

25

-END-