INTRODUCED BY Mellod Parnett Mancon 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO OBSTRUCT A PERSON SERVING PROCESS; AMENDING SECTION 45-7-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 5 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 9 NEW SECTION. Section 1. Person serving process -- penalty for obstruction. A process server registered under chapter 1, part 11, a licensed attorney, or a sheriff, constable, coroner, elisor, or other 10 government employee who is acting in the course of the person's employment while serving process is a 11 public servant for the purpose of determining the offense of obstructing a public servant as provided in 12 45-7-302. A person who obstructs a person serving process is guilty of obstruction of a public servant and 13 14 is punishable as provided in 45-7-302. 15 16 Section 2. Section 45-7-302, MCA, is amended to read: 17 "45-7-302. Obstructing a peace officer or other public servant. (1) A person commits the offense 18 of obstructing a peace officer or public servant if he the person knowingly obstructs, impairs, or hinders 19 the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental 20 function, including service of process. 21 (2) It is no defense to a prosecution under this section that the peace officer was acting in an illegal manner, provided that he the peace officer was acting under color of his the peace officer's official 22 23 authority. (3) A person convicted of the offense of obstructing a peace officer or other public servant, 24 25 including a person serving process, shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both." 26 27 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an 28 integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to 29 30 [section 1].

Legislative Services Djvision 1 <u>NEW SECTION.</u> Section 4. Effective date. [This act] is effective on passage and approval.

APPROVED BY COM ON JUDICIARY

INTRODUCED BY Me Color Raznett Mancon

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A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO OBSTRUCT A PERSON SERVING PROCESS; AMENDING SECTION 45-7-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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NEW SECTION. Section 1. Person serving process -- penalty for obstruction. A process server registered under chapter 1, part 11, a licensed attorney, or a sheriff, constable, coroner, elisor, or other government employee who is acting in the course of the person's employment while serving process is a public servant for the purpose of determining the offense of obstructing a public servant as provided in 45-7-302. A person who obstructs a person serving process is guilty of obstruction of a public servant and is punishable as provided in 45-7-302.

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Section 2. Section 45-7-302, MCA, is amended to read:

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"45-7-302. Obstructing a peace officer or other public servant. (1) A person commits the offense of obstructing a peace officer or public servant if he the person knowingly obstructs, impairs, or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental function, including service of process.

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

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(3) A person convicted of the offense of obstructing a peace officer or other public servant, including a person serving process, shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both."

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NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to [section 1].

Legislative Services Division HB32/ SECOND READING 1 <u>NEW SECTION.</u> Section 4. Effective date. [This act] is effective on passage and approval.

1	INTRODUCED BY Melled Karnett Mancon
2	INTRODUCED BY Melled Pariett MANLOM
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4	A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO OBSTRUCT A PERSON SERVING
5	PROCESS; AMENDING SECTION 45-7-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	
9	NEW SECTION. Section 1. Person serving process penalty for obstruction. A process server
10	registered under chapter 1, part 11, a licensed attorney, or a sheriff, constable, coroner, elisor, or other
11	government employee who is acting in the course of the person's employment while serving process is a
12	public servant for the purpose of determining the offense of obstructing a public servant as provided in
13	45-7-302. A person who obstructs a person serving process is guilty of obstruction of a public servant and
14	is punishable as provided in 45-7-302.
15	
16	Section 2. Section 45-7-302, MCA, is amended to read:
17	"45-7-302. Obstructing a peace officer or other public servant. (1) A person commits the offense
18	of obstructing a peace officer or public servant if he the person knowingly obstructs, impairs, or hinders
19	the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental
20	function, including service of process.
21	(2) It is no defense to a prosecution under this section that the peace officer was acting in an illegal
22	manner, provided that he the peace officer was acting under color of his the peace officer's official
23	authority.
24	(3) A person convicted of the offense of obstructing a peace officer or other public servant,
25	including a person serving process, shall be fined not to exceed \$500 or be imprisoned in the county jail
26	for a term not to exceed 6 months, or both."
27	
28	NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
29	integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to
30	[section 1].

Legislative Services Division 1 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.



1	INTRODUCED BY Mellow Francett Mancon
2	INTRODUCED BY ME LOW LARRETT MARLON
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO OBSTRUCT A PERSON SERVING
5	PROCESS; AMENDING SECTION 45-7-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	
9	NEW SECTION. Section 1. Person serving process penalty for obstruction. A process server
10	registered under chapter 1, part 11, a licensed attorney, or a sheriff, constable, coroner, elisor, or other
11	government employee who is acting in the course of the person's employment while serving process is a
12	public servant for the purpose of determining the offense of obstructing a public servant as provided in
13	45-7-302. A person who obstructs a person serving process is guilty of obstruction of a public servant and
14	is punishable as provided in 45-7-302.
15	
16	Section 2. Section 45-7-302, MCA, is amended to read:
17	"45-7-302. Obstructing a peace officer or other public servant. (1) A person commits the offense
18	of obstructing a peace officer or public servant if he the person knowingly obstructs, impairs, or hinders
19	the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental
20	function, including service of process.
21	(2) It is no defense to a prosecution under this section that the peace officer was acting in an illegal
22	manner, provided that he the peace officer was acting under eeler of his the peace officer's official
23	authority.
24	(3) A person convicted of the offense of obstructing a peace officer or other public servant,
25	including a person serving process, shall be fined not to exceed \$500 or be imprisoned in the county jail
26	for a term not to exceed 6 months, or both."
27	
28	NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
29	integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to
30	[section 1].

HB321

1 <u>NEW SECTION.</u> Section 4. Effective date. [This act] is effective on passage and approval.



1	HOUSE BILL NO. 321
2	INTRODUCED BY MCCULLOCH, BARNETT, MAHLUM
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO OBSTRUCT A PERSON SERVING
5	PROCESS; AMENDING SECTION 45-7-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	
9	NEW SECTION. Section 1. Person serving process penalty for obstruction. A process server
10	registered under chapter 1, part 11, a licensed attorney, or a sheriff, constable, coroner, elisor, or other
11	government employee who is acting in the course of the person's employment while serving process is a
12	public servant for the purpose of determining the offense of obstructing a public servant as provided in
13	45-7-302. A person who obstructs a person serving process is guilty of obstruction of a public servant and
14	is punishable as provided in 45-7-302.
15	
16	Section 2. Section 45-7-302, MCA, is amended to read:
17	"45-7-302. Obstructing a peace officer or other public servant. (1) A person commits the offense
18	of obstructing a peace officer or public servant if he the person knowingly obstructs, impairs, or hinders
19	the enforcement of the criminal law, the preservation of the peace, or the performance of a governmenta
20	function, including service of process.
21	(2) It is no defense to a prosecution under this section that the peace officer was acting in an illega
22	manner, provided that he the peace officer was acting under select of his the peace officer's official
23	authority.
24	(3) A person convicted of the offense of obstructing a peace officer or other public servant,
25	including a person serving process, shall be fined not to exceed \$500 or be imprisoned in the county jair
26	for a term not to exceed 6 months, or both."
27	
28	NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
29	integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to
30	[section 1].



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1 <u>NEW SECTION.</u> Section 4. Effective date. [This act] is effective on passage and approval.

