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INTRODUCED BY House BILL NO. 321  
McCulloch Barrett Manum

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."

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

**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.

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

**"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.

(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 ~~eolor of his~~ the peace officer's official authority.

(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."

**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].



**HB321**  
**INTRODUCED BILL**



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**HB321**  
**SECOND READING**



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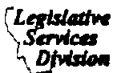
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