

1 SB BILL NO. 178
 2 INTRODUCED BY Doherty Menckan Holligan
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE OFFENSE OF CRIMINAL
 5 SYNDICALISM; RENAMING THE OFFENSE CRIMINAL INCITEMENT; REDEFINING ELEMENTS OF THE
 6 OFFENSE TO BE CONSISTENT WITH CONSTITUTIONAL MANDATES; ELIMINATING CONSTITUTIONALLY
 7 PROTECTED ACTIVITIES FROM INCLUSION IN THE OFFENSE; AMENDING SECTION 45-8-105, MCA; AND
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11

12 **Section 1.** Section 45-8-105, MCA, is amended to read:

13 **"45-8-105. Criminal syndicalism incitement.** ~~(1) "Criminal syndicalism" means the advocacy of~~
 14 ~~crime, malicious damage or injury to property, violence, or other unlawful methods of terrorism as a means~~
 15 ~~of accomplishing industrial or political ends.~~

16 ~~(2)(1)~~ (1) A person commits the offense of criminal ~~syndicalism~~ incitement if ~~he~~ the person purposely
 17 or knowingly:

- 18 ~~(a) orally or by means of writing, advocates or promotes the doctrine of criminal syndicalism;~~
- 19 ~~(b) organizes or becomes a member of any assembly, group, or organization which he knows is~~
 20 ~~advocating or promoting the doctrine of criminal syndicalism; or~~
- 21 ~~(c) for or on behalf of another whose purpose is to advocate or promote the doctrine of criminal~~
 22 ~~syndicalism, distributes, sells, publishes, or publicly displays any writing advocating or advertising such~~
 23 ~~doctrine~~ advocates the commission of a criminal offense and the advocacy:

- 24 (a) is directed to inciting or producing imminent unlawful action; and
- 25 (b) is likely to incite or produce unlawful action.

26 (2) For purposes of this section, "imminent" means highly predictable.

27 (3) A person convicted of the offense of criminal ~~syndicalism~~ incitement shall be imprisoned in the
 28 state prison for a term not to exceed 10 years.

29 ~~(4) Whoever, being the owner or in possession or control of any premises, knowingly permits any~~
 30 ~~assemblage of persons to use such premises for the purpose of advocating or promoting the doctrine of~~

1 ~~riminal syndicalism shall be fined not to exceed \$500 or imprisoned in the county jail for a term not to~~
2 ~~exceed 6 months, or both."~~

3

4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

5

6 NEW SECTION. **Section 3. Applicability.** [This act] applies to offenses committed on or after [the
7 effective date of this act].

8

-END-

SB BILL NO. 178

INTRODUCED BY

Doherty Menahan

Sullivan

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE OFFENSE OF CRIMINAL SYNDICALISM; RENAMING THE OFFENSE CRIMINAL INCITEMENT; REDEFINING ELEMENTS OF THE OFFENSE TO BE CONSISTENT WITH CONSTITUTIONAL MANDATES; ELIMINATING CONSTITUTIONALLY PROTECTED ACTIVITIES FROM INCLUSION IN THE OFFENSE; AMENDING SECTION 45-8-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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Doherty Menckan

[Signature]

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