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_____ BILL NO. _____
INTRODUCED BY _____

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CRIME OF UNLAWFUL ENCROACHMENT
ON A FIRST RESPONDER; PROVIDING DEFINITIONS; AND PROVIDING A PENALTY."

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

NEW SECTION. Section 1. Unlawful encroachment on first responder -- penalty. (1) A person
commits the offense of unlawfully encroaching on a first responder if the person:

(a) receives a clear verbal warning from a first responder in the lawful performance of the first
responder's official duties;

(b) knowingly enters or remains within a clearly identified emergency incident area after that
warning; and

(c) (i) impedes, interferes with, or threatens a first responder;
(ii) engages in conduct that hinders the performance of the duties of a first responder; or
(iii) creates a substantial risk of that hindrance.

(2) The provisions of this section may not be construed to prohibit, restrict, or penalize lawful
activity protected by the first amendment to the United States constitution and by Article II of the Montana
constitution, so long as the time, place, and manner of the activity do not impede the performance of a first
responder's legal duties, interfere with emergency operations, or pose a threat to public safety.

(3) A person convicted of unlawfully encroaching on a first responder with specified intent after a
warning shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to
exceed 6 months, or both.

(4) For the purposes of this section, the following definitions apply:

(a) "Emergency incident area" means an area reasonably necessary to protect public safety or

1 permit emergency operations that is:

2 (i) defined by a first responder with flags, barricades, barrier tape, or other physical markers; or

3 (ii) approximately 25 feet in all directions from the first responder when verbally communicated in a
4 clear and audible manner by the first responder.

5 (b) (i) "First responder" means a firefighter, law enforcement officer, or other authorized person as
6 defined in 50-32-603 who responds to an emergency in a professional or volunteer capacity.

7 (ii) The term does not include an emergency care provider as defined in 50-6-202.

8

9 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
10 integral part of Title 45, chapter 7, part 3, and the provisions of Title 45, chapter 7, part 3, apply to [section 1].

11 - END -

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