

SENATE BILL NO. 429

INTRODUCED BY J. ESP

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DETERMINATION AND RESTORATION OF FITNESS IN CRIMINAL PROCEEDINGS; REVISING WHAT ACTS OR OMISSIONS MAY BE CONTEMPT; PROVIDING COMMITMENT PROCEDURES FOR EXAMINATION; PROVIDING PROCEDURES FOR THE INVOLUNTARY ADMINISTRATION OF MEDICATION; REVISING PROVISIONS FOR PAYMENT OF COMMITMENT EXPENSES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 3-1-501, 3-5-901, 3-10-402, 3-11-303, 46-14-202, 46-14-206, AND 46-14-221, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 3-1-501, MCA, is amended to read:

"3-1-501. What acts or omissions are contempts -- civil and criminal contempt. (1) The following acts or omissions in respect to a court of justice or proceedings in a court of justice are contempts of the authority of the court:

(a) disorderly, contemptuous, or insolent behavior toward the judge while holding the court tending to interrupt the due course of a trial or other judicial proceeding;

(b) a breach of the peace, boisterous conduct, or violent disturbance tending to interrupt the due course of a trial or other judicial proceeding;

(c) misbehavior in office or other willful neglect or violation of duty by an attorney, counsel, clerk, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;

(d) deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;

(e) disobedience of any lawful judgment, order, or process of the court;

(f) assuming to be an officer, attorney, or counsel of a court and acting as that individual without authority;

NEW SECTION. Section 9. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

COORDINATION SECTION. Section 10. Coordination instruction. If both House Bill No. 851 and [this act] are passed and approved and if both contain a section that amends 3-5-901, then the section of House Bill No. 851 that amends 3-5-901 is void.

COORDINATION SECTION. Section 11. Coordination instruction. If both House Bill No. 851 and [this act] are passed and approved and if both contain a section that amends 46-14-202, then the section of House Bill No. 851 that amends 46-14-202 is void and the references to "department of public health and human services" in [section 5 of this act], amending 46-14-202, must be changed to "department of health services".

COORDINATION SECTION. Section 12. Coordination instruction. If both House Bill No. 851 and [this act] are passed and approved and if both contain a section that amends 46-14-221, then the section of House Bill No. 851 that amends 46-14-221 is void and the references to "department of public health and human services" in [section 7 of this act], amending 46-14-221, must be changed to "department of health services".

NEW SECTION. Section 13. Effective date. [This act] is effective on passage and approval.

- END -