

1 HOUSE BILL NO. 725  
2 INTRODUCED BY J. READ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A COMMON LAW CRIMINAL OFFENSE FOR  
5 CONDUCT NOT OTHERWISE ADDRESSED IN THE CRIMINAL CODE THAT MAY CONSTITUTE  
6 CONTEMPT OF CONSTITUTION; PROVIDING AN OFFENSE FOR INTERFERENCE WITH ABILITY TO  
7 PURSUE OCCUPATION; AND PROVIDING PENALTIES."

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9 WHEREAS, with this document the people of the state of Montana present the ability to provide an  
10 official declaration of contempt of constitution; and

11 WHEREAS, the inherent authority and power to charge a person with contempt has long been  
12 recognized within the courts and the legal structure of the governments of the United States of America. Such  
13 authority and power belongs to common law courts as a result of the nature of what contempt of court is,  
14 namely an inherent authority and power being undeniable to the courts because of the nature of what that  
15 authority and power is. It is further recognized by the people of the state of Montana, as claimed by the courts  
16 themselves, that contempt of court is the highest authority and power attributed to the courts.

17 WHEREAS, it is recognized that such authority and power arose first from an acknowledgement and  
18 allowance of the King of England in the early 18th century, or early 1700s, as revealed by the U.S. Supreme  
19 Court case of Green v. U.S., N.Y., 356 U.S. 165 (1958). The power of contempt in the United States also  
20 belongs to the people, and in the state of Montana to the people of Montana.

21 WHEREAS, in order to accomplish the purposes for which they were created, courts must also possess  
22 certain powers and these powers are called inherent powers. Among these powers is the power to punish for  
23 contempt.

24 WHEREAS, in order that the people of the state of Montana keep their constitution secure, safe and  
25 sound in its integrity, clean, pure, and inviolable. In order to accomplish the purpose for which they created a  
26 constitution the people must also possess authorities and powers. Among these authorities and powers is the  
27 authority and power to punish for contempt of constitution.

28 WHEREAS, furthermore, not only does the inherent authority and power of contempt of constitution

1 maintaining its integrity in its rights established solely for the benefit of the people of the state of Montana; and

2 WHEREAS, legislators of the state of Montana have signed as co-sponsors of this legislation indicating  
3 the importance of contempt of constitution to guaranteeing the rights contained in the Montana constitution and  
4 held by the people of Montana.

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

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8 **NEW SECTION. Section 1. Common law offenses -- applicability -- penalty.** (1) When the conduct  
9 constituting a criminal offense is defined by statute, there are no common law criminal offenses.

10 (2) When the conduct constituting a criminal offense is not defined by statute, and when there is  
11 no conflict with any existing criminal statute, the common law may be used to prosecute the offense.

12 (3) A person convicted of a common law criminal offense shall be fined not to exceed \$10,000 ~~or~~  
13 ~~be imprisoned in the state prison for a term not to exceed 10 years, or both.~~

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15 **NEW SECTION. Section 2. Interference with ability to pursue occupation, vocation, or**  
16 **avocation -- penalty.** (1) A person commits the offense of interference with ability to pursue occupation,  
17 vocation, or avocation if the person knowingly or purposely prevents, obstructs, or frustrates the rights of  
18 another person who is lawfully pursuing their occupation, vocation, or avocation.

19 (2) A person convicted of the offense of interference with ability to pursue occupation, vocation, or  
20 avocation shall be fined an amount not to exceed \$500 ~~or be imprisoned in the county jail for a term not to~~  
21 ~~exceed 5 days, or both.~~

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23 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an  
24 integral part of Title 45, chapter 1, part 1, and the provisions of Title 45, chapter 1, part 1, apply to [section 1].

25 (2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 5, part 2, and the  
26 provisions of Title 45, chapter 5, part 2, apply to [section 2].

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