

1 SENATE BILL NO. 16

2 INTRODUCED BY M. NOLAND

3 BY REQUEST OF THE SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LEGISLATIVE COMMITTEE TO HOLD IN
6 CONTEMPT A WITNESS WHO REFUSES TO COMPLY WITH A LEGISLATIVE SUBPOENA; AMENDING
7 SECTION 5-5-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 5-5-109, MCA, is amended to read:

12 **"5-5-109. Contempt -- misdemeanor.** (1) If a witness neglects or refuses to obey a subpoena or,
13 appearing, neglects or refuses to testify, ~~the a legislative committee of either the senate or the house, or a joint~~
14 ~~legislative committee,~~ may, by ~~resolution entered on the journal~~ majority vote, commit the witness for contempt.

15 (2) If a person compelled to produce records under 5-5-107(3) neglects or refuses to obey a
16 subpoena, ~~the a legislative committee of either the senate or the house, or a joint legislative committee,~~ may,
17 by ~~resolution entered on the journal,~~ majority vote, commit the witness for contempt.

18 (3) A person who neglects or refuses to obey a subpoena under subsection (1) or (2) is guilty of a
19 misdemeanor punishable as provided in 46-18-212."

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

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