

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CRIME OF OBSTRUCTING A FIRST
6 RESPONDER WITH SPECIFIED INTENT AFTER A WARNING; AND PROVIDING A PENALTY."

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

9
10 NEW SECTION. **Section 1. Obstructing a first responder with specified intent after a warning --**
11 **penalty.** (1) For the purposes of this section, the following terms apply:

12 (a) "Emergency incident area" means the area surrounding a structure, vehicle, property, or area
13 that:

14 (i) is:

15 (A) defined by a law enforcement officer or firefighters with flags, barricades, barrier tape, or other
16 markers; or

17 (B) twenty-five feet in all directions from the emergency incident; whichever is greater; or

18 (ii) is a specific distance less than twenty-five feet in all directions from the emergency incident that
19 is articulated by a law enforcement officer.

20 (b) "First responder" means a law enforcement officer as defined in 7-32-201, a firefighter as
21 defined in 15-6-301, or other authorized person who responds to an emergency in a professional or volunteer
22 capacity. The term does not include an emergency care provider as defined in 50-6-202.

23 (c) "Harass" means to willfully engage in a course of conduct directed at a first responder which
24 intentionally causes substantial emotional distress in that first responder and serves no legitimate purpose.

25 (2) A person commits the offense of obstructing a first responder with specified intent after a
26 warning when, after receiving a verbal warning not to approach from a person they know or reasonably should
27 know is a first responder, who is engaged in the lawful performance of a legal duty, to knowingly and willfully
28 violate such warning and approach or remain within the emergency incident area with the intent to:

