

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 UNLAWFUL ENCROACHMENT
6 ON A FIRST RESPONDER; AND PROVIDING A PENALTY."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 NEW SECTION. **Section 1. Unlawful encroachment on a first responder -- penalty.** (1) A person
11 commits the offense of unlawfully encroaching on a first responder if the person:

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

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

16 (c) (i) impedes, interferes with, or threatens a first responder;

17 (ii) engages in conduct that hinders the performance of the duties of a first responder; or

18 (iii) creates a substantial risk of that hinderance.

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

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

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

27 (a) "Emergency incident area" means an area reasonably necessary to protect public safety or
28 permit emergency operations that is:

- 1 (i) defined by a first responder with flags, barricades, barrier tape, or other physical markers; or
2 (ii) approximately 25 feet in all directions from the first responder when verbally communicated in a
3 clear and audible manner by the first responder.

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

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

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

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