

HOUSE BILL NO. 896

INTRODUCED BY L. SCHUBERT, J. ELLSWORTH, B. LER, C. HINKLE, S. KELLY, S. KLAKKEN, T.

MILLETT, B. MITCHELL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING OBSTRUCTING JUSTICE LAWS TO CONSIDER
ILLEGAL ALIENS OFFENDERS; PROVIDING AN APPROPRIATION; AND AMENDING SECTION 45-7-303,
MCA."

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

Section 1. Section 45-7-303, MCA, is amended to read:**"45-7-303. Obstructing justice.** (1) For the purpose of this section "an offender" means:

(a) a person who has been or is liable to be arrested, charged, convicted, or punished for a public
offense; or

(b) a person who:

(i) has entered the United States in violation of law and has not been inspected by the federal
government since the unlawful entry; or

(ii) has not complied with the conditions of the person's immigration status, which were set at the
time of the person's entry into the United States by the United States department of homeland security.

(2) A person commits the offense of obstructing justice if, knowing another person is an offender,
the person purposely:

(a) harbors or conceals an offender;

(b) warns an offender of impending discovery or apprehension, except this does not apply to a
warning given in connection with an effort to bring an offender into compliance with the law;

(c) provides an offender with money, transportation, weapon, disguise, or other means of avoiding
discovery or apprehension;

(d) prevents or obstructs by means of force, deception, or intimidation anyone from performing an
act that might aid in the discovery or apprehension of an offender;

1 (e) suppresses by act of concealment, alteration, or destruction any physical evidence that might
2 aid in the discovery or apprehension of an offender; or

3 (f) aids an offender who is subject to official detention to escape from official detention.

4 (3) A person convicted of obstructing justice shall be:

5 (a) imprisoned in the state prison for a term not to exceed 10 years if the offender has been or is
6 liable to be charged with a felony; or

7 (b) fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months,
8 or both, if the offender has been or is liable to be charged with a misdemeanor."

10 NEW SECTION. **Section 2. Appropriation.** There is appropriated \$500 from the general fund to the
11 department of justice for the biennium beginning July 1, 2025, for the purpose of notifying police departments,
12 sheriff's offices, local law enforcement agencies, and county attorneys by mail about the requirements of [this
13 act].

14 - END -