

HOUSE BILL NO. 426

INTRODUCED BY M. MONFORTON

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN EXCEPTION TO THE ATTORNEY-CLIENT PRIVILEGE IF THE ATTORNEY'S SERVICES WERE OBTAINED TO COMMIT OR PLAN TO COMMIT A CRIME OR FRAUD; AMENDING SECTION 26-1-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 26-1-803, MCA, is amended to read:

"26-1-803. Attorney-client privilege. (1) An attorney cannot, without the consent of the client, be examined as to any communication made by the client to the attorney or the advice given to the client in the course of professional employment.

(2) A client cannot, except voluntarily, be examined as to any communication made by the client to the client's attorney or the advice given to the client by the attorney in the course of the attorney's professional employment.

(3) There is no privilege under this section if the services of the attorney were sought or obtained to enable or aid anyone to commit or plan to commit a crime or fraud."

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

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