

1 HOUSE BILL NO. 725  
2 INTRODUCED BY J. READ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A COMMON LAW CRIMINAL OFFENSE FOR  
5 CONDUCT NOT OTHERWISE ADDRESSED IN THE CRIMINAL CODE THAT MAY CONSTITUTE  
6 CONTEMPT OF CONSTITUTION; PROVIDING AN OFFENSE FOR INTERFERENCE WITH ABILITY TO  
7 PURSUE OCCUPATION; AND PROVIDING PENALTIES."

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9 WHEREAS, with this document the people of the state of Montana present the ability to provide an  
10 official declaration of contempt of constitution; and

11 WHEREAS, the inherent authority and power to charge a person with contempt has long been  
12 recognized within the courts and the legal structure of the governments of the United States of America. Such  
13 authority and power belongs to common law courts as a result of the nature of what contempt of court is,  
14 namely an inherent authority and power being undeniable to the courts because of the nature of what that  
15 authority and power is. It is further recognized by the people of the state of Montana, as claimed by the courts  
16 themselves, that contempt of court is the highest authority and power attributed to the courts.

17 WHEREAS, it is recognized that such authority and power arose first from an acknowledgement and  
18 allowance of the King of England in the early 18th century, or early 1700s, as revealed by the U.S. Supreme  
19 Court case of Green v. U.S., N.Y., 356 U.S. 165 (1958). The power of contempt in the United States also  
20 belongs to the people, and in the state of Montana to the people of Montana.

21 WHEREAS, in order to accomplish the purposes for which they were created, courts must also possess  
22 certain powers and these powers are called inherent powers. Among these powers is the power to punish for  
23 contempt.

24 WHEREAS, in order that the people of the state of Montana keep their constitution secure, safe and  
25 sound in its integrity, clean, pure, and inviolable. In order to accomplish the purpose for which they created a  
26 constitution the people must also possess authorities and powers. Among these authorities and powers is the  
27 authority and power to punish for contempt of constitution.

28 WHEREAS, furthermore, not only does the inherent authority and power of contempt of constitution

1 belong to the people of Montana alone, and no body of government may limit it without committing contempt of  
2 constitution, but the principle of contempt of constitution was embodied by the constitution of the United States  
3 of America in Article I, section 6, clause 1. Treason and felony are referred to in Article I, section 6, clause 1,  
4 but misdemeanor is not. Thus, mere misdemeanors, even if seemingly causing a breach of peace by today's  
5 standards, would not be sufficient to prevent a congressman or senator from attending a congressional session.  
6 The only kind of breach that could be serious enough to be thought by the founding fathers as being worthy to  
7 stop an attendance of a congressional session was that kind of an offense serious enough to be regarded as  
8 equal or greater than the commitment of either treason or a felony.

9 WHEREAS, whenever any individual person of the state of Montana has their rights guaranteed by the  
10 Constitution of the State of Montana usurped by the government of the state of Montana, including but not  
11 limited to the rights enshrined in Article II of the Montana Constitution and all other rights contained elsewhere  
12 in the Montana Constitution, they the people of Montana are not at peace either individually or as a people and  
13 peace clearly has been breached thus providing the minimal embodiment of Article I, section 6, clause 1, of the  
14 Constitution of the United States.

15 WHEREAS, therefore by these mutual understandings by the people of the state of Montana, the  
16 people declare as an inherent power to them throughout the state of Montana; and

17 WHEREAS, because contempt by its own nature is a quasi-crime that has many different appearances  
18 and aspects, and is not merely a civil offense it is necessary to provide the different classes of contempt of  
19 constitution; and

20 WHEREAS, contempt of constitution is a crime against the sovereignty of the state of Montana,  
21 committed against an individual person or the people of Montana. For the purposes of defining contempt of  
22 constitution as applicable to the Constitution for the United States of America, the classification of and degrees  
23 of types of contempt of constitution and like crimes shall be, and hereby are:

24 (1) General contempt means situations in which the contempt of constitution may have been done  
25 ignorantly or unknowingly and may also be known as attempted contempt.

26 (2) Malicious contempt means when the general contempt has been repeated so that ignorance of  
27 the constitution is no excuse, contempt deliberately committed with foreknowledge, or when the result of the  
28 contempt is severe against one or more person of the state of Montana.

1           (3)     Tyrannical malicious contempt means contempt so serious that it is apparent that the contempt  
2 is an effort, no matter how small, to gain a destructive power over any person in the state of Montana, or the  
3 people of the state of Montana.

4           (4)     Noble contempt means when a person or business is treated differently under operation of law  
5 that is recognized for other common or ordinary people of the state of Montana, as well as for businesses in the  
6 state of Montana. Noble contempt also exists when private people of the state of Montana or businesses in the  
7 state of Montana are elevated in status above other common people or businesses by either the rights they are  
8 provided, or above other the rights held by other people of equal merit. Noble contempt also includes noble  
9 contempt by denobilization, which is the act of subjecting a specific individual or group of individuals in the state  
10 of Montana to degradation or reduction in status of importance under the law, whether by statute, code,  
11 regulation, or common law, and not reducing all people equally.

12          (5)     Noble malicious contempt means the commission of noble contempt when the party or parties  
13 involved in the contemptuous activity refuse to stop the contempt and the contempt can be shown to cause a  
14 hardship or deprivation of common rights upon an individual person or the people of Montana.

15          (6)     Noble tyrannical malicious contempt means the commission of noble contempt on a harsh and  
16 repetitive basis when the party or parties involved in the contemptuous activity effectuate such contempt to the  
17 degree that it represents a blatant disregard for basic human rights, rights embraced by the Montana  
18 constitution, when gross insensitivity toward the suffering of an individual person or the people of Montana, and  
19 it is reasonably believed that the party or parties knew of the unconstitutionality of their acts but proceeded with  
20 obvious contempt to continue them at any cost, or when there is a corrupt use of power in conjunction with the  
21 contempt. Noble tyrannical malicious contempt also means situations in which the contempt constitutes wanton  
22 disregard for the rights, safety, and secureness of the common person of Montana or the people of Montana as  
23 a whole. This includes the total humanity of the state of Montana.

24           Other forms of contempt of constitution may exist as the people of the state of Montana alone discern  
25 or proclaim them to be in the future.

26           WHEREAS, contempt of constitution has been formally and officially explained by this document to the  
27 same extent as contempt of court was first declared many years ago, and has the same lawful intent and  
28 purpose as does contempt of court, the keeping and securing of the constitution in a safe and sound condition,

1 maintaining its integrity in its rights established solely for the benefit of the people of the state of Montana; and

2 WHEREAS, legislators of the state of Montana have signed as co-sponsors of this legislation indicating  
3 the importance of contempt of constitution to guaranteeing the rights contained in the Montana constitution and  
4 held by the people of Montana.

5

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

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8 **NEW SECTION. Section 1. Common law offenses -- applicability -- penalty.** (1) When the conduct  
9 constituting a criminal offense is defined by statute, there are no common law criminal offenses.

10 (2) When the conduct constituting a criminal offense is not defined by statute, and when there is  
11 no conflict with any existing criminal statute, the common law may be used to prosecute the offense.

12 (3) A person convicted of a common law criminal offense shall be fined not to exceed \$10,000 or  
13 be imprisoned in the state prison for a term not to exceed 10 years, or both.

14

15 **NEW SECTION. Section 2. Interference with ability to pursue occupation, vocation, or**  
16 **avocation -- penalty.** (1) A person commits the offense of interference with ability to pursue occupation,  
17 vocation, or avocation if the person knowingly or purposely prevents, obstructs, or frustrates the rights of  
18 another person who is lawfully pursuing their occupation, vocation, or avocation.

19 (2) A person convicted of the offense of interference with ability to pursue occupation, vocation, or  
20 avocation shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to  
21 exceed 5 days, or both.

22

23 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an  
24 integral part of Title 45, chapter 1, part 1, and the provisions of Title 45, chapter 1, part 1, apply to [section 1].

25 (2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 5, part 2, and the  
26 provisions of Title 45, chapter 5, part 2, apply to [section 2].

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