

April 1, 2025

To: Montana House Judiciary Committee

From: Matthew Brower, Executive Director of the Montana Catholic Conference

Re: Testimony in opposition to HB 896

Madam Chair and members of the committee my name is Matt Brower. I serve as Executive Director of the Montana Catholic Conference. I speak today on behalf of the Roman Catholic bishops of Montana.

I am here to voice our opposition to House Bill 896.

While the conference does not oppose laws to address the obstruction of justice, the lack of definitions provided under HB 896 creates the potential for criminalizing behavior that we believe ought not be deemed criminal but simply acts of justice and charity, particularly services provided by homeless shelters.

For example, under this bill, “harboring” an individual without legal status, who has not been, nor is liable to be, arrested, charged, convicted or punished for a public offense is deemed a crime. But “harboring” is not defined. One might assume that harboring includes an intent to conceal an individual’s location or maintain secrecy regarding the individual’s presence. However, courts have treated this matter differently with some concluding that harboring does not require such an intent. Such an expansive definition is problematic and, lacking a more narrow definition in statute, opens the door to the criminalization of otherwise reasonable behavior.

Although less clear, a similar question regarding requisite intent and the lack of a precise definition might also apply to questions regarding the provision of transportation not done with intent to conceal illegal presence but simply to attend to basic needs such as medical services, church attendance, etc.

Madam Chair and members of the committee, we urge a “do not pass.” Thank you for your time.