



SIERRA CLUB

MONTANA CHAPTER

Protect Montanans' Right to Protest & Free Speech

HB 481 is a corporate attack on free speech & the right to assemble to protect a clean and healthy environment

OPPOSE HB 481 (Sponsor: Rep. Gunderson)

- **This is an intimidating bill that would increase penalties on those that protest or support protests at pipelines (or other major developments) and dissuade people from exercising their First Amendment Rights.** Despite laws that already cover trespassing and vandalization, it singles out trespassing or “tampering” with energy infrastructure for increased charges and fines. **It would make trespassing on enclosed property with “critical infrastructure” with “intent to impede or inhibit operations” an automatic felony. It would also significantly increase potential penalties of (from \$500 and 6 months in jail to \$4500 and 18 months in jail).**
- Everything covered in this bill is already punishable by law, but this bill singles out particular kinds of infrastructure for special treatment. “Critical infrastructure” mostly includes various forms of energy infrastructure, as defined in this bill.
- HB 481 also includes a provision of guilt by association, also ramping up the consequences for organizations associated with energy infrastructure protests in which participants participate in civil disobedience or vandalize equipment. This means **organizations who support civil disobedience involving “critical infrastructure” could be liable for potentially-bankrupting fees (up to \$1.5 million, or 10 times the fine the individual receives).**
- **This change could have a chilling effect on free speech and peaceful protest in defense of land, water, wildlife, and our right to a clean and healthy environment. It would especially impact indigenous communities who are protesting (“trespassing”) fossil fuel developments on traditional territory that is currently contested by the state or individuals.**
- **Sample call script:** “My name is [] and I’m calling from [town]. I’m calling to ask that Governor Gianforte vetoes HB 481. This bill attempts to solve a problem that doesn’t exist. Everything outlined in the bill is already illegal, and HB 481 seems to arbitrarily increase the penalty for particular offenses. I don’t think the punishment for trespassing fits the offense, and I’m concerned it could have serious implications for protestors on traditional indigenous territory that’s contested.”

The Latest Bill in a Nation-Wide Effort to Promote Corporate Interests Over First Amendment Rights

HB 481 is based on language written by corporate polluters with a nationwide agenda. Similar bills have been passed across the country in recent years, including Oklahoma, Louisiana, Wyoming, Texas, North Dakota, and South Dakota. The first bill drafts arose following environmental justice protests against infrastructure like the Dakota Access pipeline and Keystone XL. This particular version also includes somewhat unclear but potentially extreme implications for organizations who are supportive of civil disobedience involving energy infrastructure.

See the [current bill text](#) to learn more & check out our [citizen lobbying resources](#).

For more information about our legislative work, contact Caitlin Piserchia at caitlin.piserchia@sierraclub.org.