

1 \*\*\*\* BILL NO. \*\*\*\*  
2 INTRODUCED BY \*\*\*\*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE INJUNCTIVE POWERS OF THE  
5 JUDICIARY; PROHIBITING THE GRANT OF AN INJUNCTION TO RESTRAIN THE ENFORCEMENT OF A  
6 STATUTE AGAINST A NONPARTY; PROVIDING LIMITATIONS ON INJUNCTIONS THAT RESTRAIN THE  
7 ENFORCEMENT OF A STATUTE; AMENDING SECTION 27-19-103, MCA."

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

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11 **Section 1.** Section 27-19-103, MCA, is amended to read:

12 **"27-19-103. When injunction may not be granted.** An injunction cannot be granted:

- 13 (1) to stay a judicial proceeding pending at the commencement of an action in which the injunction  
14 is demanded, unless such restraint is necessary to prevent a multiplicity of such proceedings;
- 15 (2) to stay proceedings in a court of the United States;
- 16 (3) to stay proceedings in another state upon a judgment of a court of that state;
- 17 (4) to prevent the execution of a public statute by officers of the law for the public benefit;
- 18 (5) to prevent the breach of a contract the performance of which would not be specifically  
19 enforced;
- 20 (6) to prevent the exercise of a public or private office, in a lawful manner, by the person in  
21 possession;
- 22 (7) to prevent a legislative act by a municipal corporation;
- 23 (8) in labor disputes under any other or different circumstances or conditions than if the  
24 controversy were of another or different character or between parties neither or none of whom were laborers or  
25 interested in labor questions;~~or~~
- 26 (9) to prevent the secretary of state from issuing a temporary or final administrative rule before the  
27 administrative rule is issued; or
- 28 (10) to restrain the enforcement of a statute against a nonparty to the proceedings before the court.

1 An injunction to restrain the enforcement of a statute to remedy a constitutional violation must directly address  
2 and relate to the violation and may not require more than is necessary to assure compliance with the  
3 constitution in the proceedings before the court."

4 - END -

DRAFT