



1 HOUSE BILL NO. 269  
 2 INTRODUCED BY Christina Van Valkenburg  
 3 David Wright

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY  
 5 FOR REPEAT OFFENSES OF INDECENT EXPOSURE; MAKING A THIRD OR  
 6 SUBSEQUENT INDECENT EXPOSURE OFFENSE A FELONY; AND AMENDING  
 7 SECTION 45-5-504, MCA."  
 8

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

10 **Section 1.** Section 45-5-504, MCA, is amended to read:

11 **"45-5-504. Indecent exposure.** (1) A person who, for the  
 12 purpose of arousing or gratifying sexual desire of himself  
 13 or of any person other than his spouse, exposes his genitals  
 14 under circumstances in which he knows his conduct is likely  
 15 to cause affront or alarm commits the offense of indecent  
 16 exposure.

17 (2) (a) A person convicted of the offense of indecent  
 18 exposure shall be fined an amount not to exceed \$500 or be  
 19 imprisoned in the county jail for any a term of not to  
 20 exceed more than 6 months, or both.

21 (b) On a second conviction, he shall be fined an amount  
 22 not to exceed \$1,000 or be imprisoned in the county jail for  
 23 a term of not more than 1 year, or both.

24 (c) On a third or subsequent conviction, he shall be  
 25 fined an amount not to exceed \$10,000 or be imprisoned in

1 the state prison for a term of not more than 5 years, or  
 2 both."

-End-



-2- INTRODUCED BILL  
 HB 269

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0269, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act increasing the penalty for repeat offenses of indecent exposure; making a third or subsequent indecent exposure offense a felony; and amending section 45-5-504, MCA."


ASSUMPTIONS:

1. This bill increases the penalty for repeat offenses of indecent exposure, making a third or subsequent offense a felony. The enhancement of the penalty includes fines and a prison term of up to 5 years for third or additional offenses; fines and a jail term of up to one year are allowed for a second offense.
2. At present, there are no inmates in Montana State Prison (MSP) convicted of violation of 45-5-504, MCA. Five probationers have been convicted of the offense; an average of 1.8 admissions to probation for this offense have occurred in the past five years. The Montana Board of Crime Control reports an average of 45 such offenses were committed each year in 1987, 1988, and 1989.
3. This bill likely will have a small but definitely negative impact on Montana's overcrowded corrections programs. If prosecutions are encouraged by the prospect of greater penalties, the impact could be greater.
4. Assume one admission to MSP per year for this offense.

FISCAL IMPACT:

Department of Institutions

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Operating Expenses	0	1,810	1,810	0	2,026	2,026
<u>Funding:</u>						
General Fund (01)	0	1,810	1,810	0	2,026	2,026

  
ROD SUNDSTED, BUDGET DIRECTOR  
Office of Budget and Program Planning

1-24-91  
DATE

  
VICKI COCCHIARELLA, PRIMARY SPONSOR  
DATE

Fiscal Note for HB0269, as introduced

HB 269

APPROVED BY COMMITTEE  
ON JUDICIARY

1 House BILL NO. 269  
2 INTRODUCED BY Charlesella Van Valkenburg  
3 Donna Wipert

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1 the state prison for a term of not more than 5 years, or  
2 both."

-End-



-2-  
SECOND READING  
HB 269

1 HOUSE BILL NO. 269  
 2 INTRODUCED BY Charles W. Van Valkenburg  
 3 David J. Weyett

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 2 INTRODUCED BY COCCHIARELLA, VAN VALKENBURG, DOWELL, WYATT

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