## HOUSE BILL NO. 269

## INTRODUCED BY COCCHIARELLA, VAN VALKENBURG, DOWELL, WYATT

#### IN THE HOUSE

	IN THE HOUSE
JANUARY 19, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 31, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 1, 1991	PRINTING REPORT.
FEBRUARY 2, 1991	SECOND READING, DO PASS.
FEBRUARY 4, 1991	ENGROSSING REPORT.
FEBRUARY 5, 1991	THIRD READING, PASSED. AYES, 96; NOES, 3.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 6, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 12, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 14, 1991	SECOND READING, CONCURRED IN.
MARCH 15, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.
	IN THE HOUSE
MARCH 16, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Hause BILL NO. 269
2 INTRODUCED BY Conditionally Via Villedoug
3

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."

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

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

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

- (2) (a) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any a term of not to 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-

INTRODUCED BILL

Fig. 48 264

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

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

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

ROD SUNDSTED, BUDGET DIRECTOR

Office of Budget and Program Planning

VICKI COCCHIARELLA, PRIMARY SPONSOR

DATE

Fiscal Note for <u>HB0269</u>, as introduced

HB 269

# APPROVED BY COMMITTEE ON JUDICIARY

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3		Devel) Wyett	

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-End-

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2	INTRODUCED BY COCCHIARELLA, VAN VALKENBURG, DOWELL, W	YATT
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