

1 HOUSE BILL NO. 7
 2 INTRODUCED BY YARDLEY, STOLTZ
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
 5 94-5-503 AND 94-5-603, R.C.M. 1947, TO REMOVE CERTAIN SEXUAL
 6 DISTINCTIONS IN THE CRIMINAL LAW."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 94-5-503, R.C.M. 1947, is amended
 10 to read as follows:
 11 "94-5-503. Sexual intercourse without consent. (1) A
 12 ~~male~~ person who knowingly has sexual intercourse without
 13 consent with a ~~female~~ person not his spouse commits the
 14 offense of sexual intercourse without consent.
 15 (2) A person convicted of sexual intercourse without
 16 consent shall be imprisoned in the state prison for any term
 17 not to exceed twenty (20) years.
 18 (3) If the victim is less than sixteen (16) years old
 19 and the offender is three (3) or more years older than the
 20 victim, or if the offender inflicts bodily injury upon
 21 anyone in the course of committing sexual intercourse
 22 without consent, he shall be imprisoned in the state prison
 23 for any term not to exceed forty (40) years.
 24 (4) An act "in the course of committing sexual
 25 intercourse without consent" shall include an attempt to

1 commit the offense or flight after the attempt or
 2 commission."
 3 Section 2. Section 94-5-603, R.C.M. 1947, is amended
 4 to read as follows:
 5 "94-5-603. Promoting prostitution. (1) A person
 6 commits the offense of promoting prostitution if he
 7 purposely or knowingly commits any of the following acts:
 8 (a) owns, controls, manages, supervises, resides in or
 9 otherwise keeps, alone or in association with others, a
 10 house of prostitution or a prostitution business; or
 11 (b) procures an inmate for a house of prostitution or
 12 a place in a house of prostitution for one who would be an
 13 inmate; or
 14 (c) encourages, induces, or otherwise purposely causes
 15 another to become or remain a prostitute; or
 16 (d) solicits a person to patronize a prostitute; or
 17 (e) procures a prostitute for a patron; or
 18 (f) transports a person into or within this state with
 19 the purpose to promote that person's engaging in
 20 prostitution, or procures or pays for transportation with
 21 that purpose; or
 22 (g) leases or otherwise permits a place controlled by
 23 the offender alone or in association with others, to be
 24 regularly used for prostitution or for the procurement of
 25 prostitution, or fails to make reasonable effort to abate

1 such use by ejecting the tenant, notifying law enforcement
2 authorities, or using other legally available means; or

3 (h) lives in whole or in part, upon the earnings of a
4 person engaging in prostitution, unless the person is the
5 prostitute's minor child or other legal dependent incapable
6 of self support.

7 (2) A person commits the offense of aggravated
8 promotion of prostitution if he purposely or knowingly
9 commits any of the following acts:

10 (a) Compels another to engage in or promote
11 prostitution.

12 (b) Promotes prostitution of a child under the age of
13 eighteen (18) years, whether or not he is aware of the
14 child's age.

15 (c) Promotes the prostitution of ~~his--wife~~ one's
16 spouse, child, ward or any person for whose care, protection
17 or support he is responsible.

18 (3) A person convicted of promoting prostitution shall
19 be fined not to exceed five hundred dollars (\$500) or be
20 imprisoned in the county jail for any term not to exceed six

21 (6) months, or both. A person convicted of aggravated
22 promotion of prostitution shall be imprisoned in the state
23 prison for any term not to exceed twenty (20) years.

24 (4) Evidence.

25 On the issue whether a place is a house of prostitution

1 the following, in addition to all other admissible evidence,
2 shall be admissible:

3 (a) Its general repute; the repute of the persons who
4 reside in or frequent the place; or the frequency, timing
5 and duration of visits by nonresidents.

6 (b) Testimony of a person against his spouse shall be
7 admissible under this section."

-End-

Approved by Committee
on Judiciary

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HB 7

January 23, 1975

SENATE COMMITTEE OF THE WHOLE
AMENDMENTS TO HOUSE BILL NO. 7

That House Bill No. 7 be amended as follows:

1. Amend: page 1, title, line 6.

Following: "LAW"

Insert: "; and providing an effective date"

2. Amend: page 4, line 7.

Following: line 7

Insert: "Section 3. This act shall be effective upon passage
and approval."

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REFERENCE BILL

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