

1 *Senate* BILL NO. *335*  
 2 INTRODUCED BY *Committee on Judiciary*  
 3 *By: Turzang*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 94-5-607, R.C.M. 1947, "ENDANGERING WELFARE OF CHILDREN", TO  
 6 MAKE IT CLEARLY APPLICABLE TO ALL PERSONS, WHETHER OR NOT  
 7 THEY HAVE CUSTODY OF THE CHILDREN."  
 8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Section 94-5-607, R.C.M. 1947, is amended  
 11 to read as follows:  
 12 "94-5-607. Endangering welfare of children. (1) A  
 13 parent, guardian, or other person supervising the welfare of  
 14 a child less than sixteen (16) years old commits the offense  
 15 of endangering the welfare of children if he knowingly  
 16 endangers the child's welfare by violating a duty of care,  
 17 protection or support.  
 18 (2) A parent, ~~or guardian~~ or other any person who is  
 19 18 years of age or older, whether or not he is supervising  
 20 the welfare of the child, commits the offense of endangering  
 21 the welfare of children if he knowingly contributes to the  
 22 delinquency of a youth child by:  
 23 (a) supplying or encouraging the use of intoxicating  
 24 substances by a child;  
 25 (b) assisting, promoting, or encouraging a child to

1 leave or abandon his place of residence without the consent  
 2 of his parents or guardian, to enter a place of  
 3 prostitution, to engage in sexual conduct, or to enter  
 4 places exclusively for adults.  
 5 (3) A person convicted of endangering welfare of  
 6 children shall be fined not to exceed five hundred dollars  
 7 (\$500) or be imprisoned in the county jail for any term not  
 8 to exceed six (6) months, or both. A person convicted of a  
 9 second offense of endangering welfare of children shall be  
 10 fined not to exceed one thousand dollars (\$1,000) or be  
 11 imprisoned in the county jail for any term not to exceed six  
 12 (6) months, or both.  
 13 (4) Evidence. On the issue of whether there has been a  
 14 violation of the duty of care, protection, and support, the  
 15 following in addition to all other admissible evidence,  
 16 shall be admissible: cruel treatment, abuse, infliction of  
 17 unnecessary and cruel punishment, abandonment, neglect, lack  
 18 of proper medical care, clothing, shelter and food; evidence  
 19 of past bodily injury.  
 20 (5) The court may order, in its discretion, any fine  
 21 levied or any bond forfeited upon a charge of endangering  
 22 welfare of children paid to or for the benefit of the person  
 23 or persons whose welfare the defendant has endangered."

-End-

INTRODUCED BILL

*SB 335*

Approved by Committee on Judiciary

SENATE BILL NO. 335

INTRODUCED BY COMMITTEE ON JUDICIARY, BY TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 94-5-607, R.C.M. 1947, "ENDANGERING WELFARE OF CHILDREN", TO MAKE IT CLEARLY APPLICABLE TO ALL PERSONS, WHETHER OR NOT THEY HAVE CUSTODY OF THE CHILDREN; AND TO REDEFINE THE SCOPE OF THE OFFENSE."

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

Section 1. Section 94-5-607, R.C.M. 1947, is amended to read as follows:

"94-5-607. Endangering welfare of children. (1) A parent, guardian, or other person supervising the welfare of a child less than sixteen (16) years old commits the offense of endangering the welfare of children if he knowingly endangers the child's welfare by violating a duty of care, protection or support.

(2) A parent, or guardian, or other any person who is 18 years of age or older, whether or not he is supervising the welfare of the child, commits the offense of endangering the welfare of children if he knowingly contributes to the delinquency of a youth child by:

(a) supplying or encouraging the use of intoxicating substances by a child;

(b) assisting, promoting, or encouraging a child to leave or

(i) abandon his place of residence without the consent of his parents or guardian; to;

(ii) enter a place of prostitution; to; OR

(iii) engage in sexual conduct; or to enter places exclusively for adults.

(3) A person convicted of endangering welfare of children shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for any term not to exceed six (6) months, or both. A person convicted of a second offense of endangering welfare of children shall be fined not to exceed one thousand dollars (\$1,000) or be imprisoned in the county jail for any term not to exceed six (6) months, or both.

(4) Evidence. On the issue of whether there has been a violation of the duty of care, protection, and support, the following in addition to all other admissible evidence, shall be admissible: cruel treatment, abuse, infliction of unnecessary and cruel punishment, abandonment, neglect, lack of proper medical care, clothing, shelter and food; evidence of past bodily injury.

(5) The court may order, in its discretion, any fine levied or any bond forfeited upon a charge of endangering welfare of children paid to or for the benefit of the person

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1 or persons whose welfare the defendant has endangered."

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(2) A parent, ~~or guardian, or other any person who is 18 years of age or older, whether or not he is supervising the welfare of the child,~~ commits the offense of endangering the welfare of children if he knowingly contributes to the delinquency of a youth child by:

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