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Spate BILL NO. 343
Alger

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPLY THE DEFINITION OF "WITHOUT CONSENT" WHICH INCLUDES LACK OF CONSENT BECAUSE OF INCAPACITY TO THE OFFENSE OF SEXUAL ASSAULT; AMENDING SECTION 94-5-501, R.C.M. 1947."

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

Section 1. Section 94-5-501, R.C.M. 1947, is amended to read as follows:

"94-5-501. Definitions. (1) In this part, unless a different meaning plainly is required, the definitions given in chapter 2, 94-2-101 apply.

(2) As used in sections ~~94-5-502~~, 94-5-503, and 94-5-505 the term "without consent" means:

(a) the victim is compelled to submit by force or by threat of imminent death, bodily injury, or kidnaping to be inflicted on anyone; or

(b) the victim is incapable of consent because he is:

(i) mentally defective or incapacitated; or

(ii) physically helpless; or

(iii) less than sixteen (16) years old."

-End-

SB343

INTRODUCED BILL