

CHAPTER NO. 505.

HOUSE BILL NO. 749

INTRODUCED BY FRATES, COONEY, McBRIDE, UHDE, GOULD,
TROPILA, RAMIREZ, DUSSAULT, ROTH, SPILKER,
IVERSON, HARPER, METCALF, REICHERT

IN THE HOUSE

February 12, 1979	Introduced and referred to Committee on Judiciary.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 16, 1979	Committee recommend bill be concurrred in as amended. Report adopted.
March 19, 1979	Motion pass consideration.
March 20, 1979	Second reading, concurrred in.
March 23, 1979	Third reading, concurrred in as amended.

IN THE HOUSE

March 24, 1979	Returned from second house. Concurrred in as amended.
March 26, 1979	On motion consideration passed until the 71st Legislative Day.

March 30, 1979

Second reading, amendments
adopted.

March 31, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

House BILL NO. *749*

1
2 INTRODUCED BY: *Senator Cooney McBride White*
3 *Rep. Ramirez* *Democratic* *Resident* *Hayes*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE SEXUAL ABUSE OF
5 CHILDREN A CRIMINAL OFFENSE; DEFINING THE OFFENSE TO INCLUDE
6 THE ACTUAL SEXUAL ABUSE OF CHILDREN AND THE PREPARATION,
7 DISTRIBUTION, AND SALE OF CHILD PORNOGRAPHY."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Sexual abuse of children. (1) A person
11 commits the offense of sexual abuse of children if he
12 knowingly:

13 (a) employs, uses, or permits the employment or use of
14 a child in an exhibition of sexual contact, actual or
15 simulated;

16 (b) photographs, films, videotapes, or records a child
17 engaging in sexual contact, actual or simulated;

18 (c) persuades, entices, counsels, or procures a child
19 to engage in sexual contact, actual or simulated;

20 (d) processes, develops, prints, publishes,
21 transports, distributes, sells, possesses with intent to
22 sell, exhibits, or advertises material consisting of or
23 including a photograph, photographic negative, undeveloped
24 film, videotape, or recording representing a child engaging
25 in sexual contact, actual or simulated; or

1 (e) finances any of the activities described in
2 subsections (1)(a) through (1)(d) knowing that the activity
3 is of the nature described in those subsections.

4 (2) A person convicted of the offense of sexual abuse
5 of children shall be fined not to exceed \$10,000 or be
6 imprisoned in the state prison for any term not to exceed 20
7 years, or both.

8 (3) For the purposes of this section, "child" means
9 any person less than 13 years old.

10 (4) Possession of three items described in subsection
11 (1)(d) is prima facie evidence of intent to sell.

12 Section 2. Codification. Section 1 is intended to be
13 codified as an integral part of Title 45, chapter 5, part 6,
14 and the provisions contained in Title 45 apply to section 1.

-End-

-2- *HB 749*
INTRODUCED BILL

HOUSE BILL NO. 749

INTRODUCED BY FRATES, COONEY, McBRIDE, UMDE, GOULD,

TROPILA, RAMIREZ, DUSSAULT, ROTH, SPILKER,

IVERSON, HARPER, METCALF, REICHERT

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE SEXUAL ABUSE OF CHILDREN A CRIMINAL OFFENSE; DEFINING THE OFFENSE TO INCLUDE THE ACTUAL SEXUAL ABUSE OF CHILDREN AND THE PREPARATION, DISTRIBUTION, AND SALE OF CHILD PORNOGRAPHY."

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

Section 1. Sexual abuse of children. (1) A person commits the offense of sexual abuse of children if he knowingly:

(a) employs, uses, or permits the employment or use of a child in an exhibition of sexual contact, actual or simulated;

(b) photographs, films, videotapes, or records a child engaging in sexual contact, actual or simulated;

(c) persuades, entices, counsels, or procures a child to engage in sexual contact, actual or simulated, FOR USE AS DESIGNATED IN (1)(A), (1)(B), OR (1)(D);

(d) processes, develops, prints, publishes, transports, distributes, sells, possesses with intent to sell, exhibits, or advertises material consisting of or

including a photograph, photographic negative, undeveloped film, videotape, or recording representing a child engaging in sexual contact, actual or simulated; or

(e) finances any of the activities described in subsections (1)(a) through (1)(d) knowing that the activity is of the nature described in those subsections.

(2) A person convicted of the offense of sexual abuse of children shall be fined not to exceed \$10,000 or be imprisoned in the state prison for any term not to exceed 20 years, or both.

(3) For the purposes of this section, "child" means any person less than ~~18~~ 16 years old.

(4) Possession of three items described in subsection (1)(d) is prima facie evidence of intent to sell.

Section 2. Codification. Section 1 is intended to be codified as an integral part of Title 45, chapter 5, part 6, and the provisions contained in Title 45 apply to section 1.

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(e) finances any of the activities described in subsections (1)(a) through (1)(d) knowing that the activity is of the nature described in those subsections.

(2) A person convicted of the offense of sexual abuse of children shall be fined not to exceed \$10,000 or be imprisoned in the state prison for any term not to exceed 20 years, or both.

(3) For the purposes of this section, "child" means any person less than 18 years old.

~~(4) Possession of three items described in subsection (1)(d) is prima facie evidence of intent to sell.~~

Section 2. Codification. Section 1 is intended to be codified as an integral part of Title 45, chapter 5, part 6, and the provisions contained in Title 45 apply to section 1.

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March 15, 1979

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 749, third reading bill, be amended as follows:

1. Page 2, lines 13 and 14.
Strike: subsection (4) in its entirety