

HOUSE BILL NO. 562

INTRODUCED BY HARPER, ROUSH, METCALF, J. BROWN, WALDRON

IN THE HOUSE

January 29, 1983	Introduced and referred to Committee on Judiciary.
February 4, 1983	On motion by chief sponsor Representative Waldron was added as an author to the bill.
February 10, 1983	Committee recommend bill do pass as amended. Report adopted.
February 11, 1983	Bill printed and placed on members' desks.
February 12, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Judiciary.
March 12, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 15, 1983	Second reading, concurred in.
March 17, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 17, 1983

Returned to House with amendments.

March 31, 1983

Second reading, amendments concurred in.

April 1, 1983

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *562*  
 2 INTRODUCED BY *Rep. Roush, Neely, J. Brown*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE DEFINITION  
 5 OF THE CRIME OF INCEST TO INCLUDE ANY SEXUAL CONTACT WITHOUT  
 6 CONSENT AND TO EXTEND THE DEFINITION TO INCLUDE ANY STEPSON  
 7 OR STEPDAUGHTER WHO HAS NOT BEEN ADOPTED BY THE PERSON  
 8 COMMITTING THE OFFENSE; AMENDING SECTION 45-5-613, MCA."

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

11 Section 1. Section 45-5-613, MCA, is amended to read:

12 "45-5-613. Incest. (1) A person commits the offense of  
 13 incest if he knowingly marries, or cohabits with, or has  
 14 sexual intercourse with, or has sexual contact without  
 15 consent with an ancestor, a descendant, a brother or sister  
 16 of the whole or half blood, or any stepson or stepdaughter,  
 17 whether or not he or she has been adopted by the person  
 18 committing the offense. The relationships referred to herein  
 19 include blood relationships without regard to legitimacy,  
 20 and relationships of parent and child by adoption, and  
 21 relationships involving a stepson or stepdaughter, without  
 22 regard to the existence of an adoption.

23 (2) Consent is ineffective under this section if the  
 24 victim is less than 14 years old and the offender is 3 or  
 25 more years older than the victim.

1 ~~(2)~~(3) A person convicted of incest shall be  
 2 imprisoned in the state prison for any term not to exceed 10  
 3 years or be fined an amount not to exceed \$50,000, or both."

-End-

INTRODUCED BILL

Approved by Committee  
on Judiciary

HOUSE BILL NO. 562

INTRODUCED BY HARPER, ROUSH, METCALF, J. BROWN, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE DEFINITION OF THE CRIME OF INCEST TO INCLUDE ANY SEXUAL CONTACT WITHOUT CONSENT AND TO EXTEND THE DEFINITION TO INCLUDE ANY STEPSON OR STEPDAUGHTER WHO HAS NOT BEEN ADOPTED BY THE PERSON COMMITTING THE OFFENSE; AMENDING SECTION 45-5-613, MCA."

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

Section 1. Section 45-5-613, MCA, is amended to read:

"45-5-613. Incest. (1) A person commits the offense of incest if he knowingly marries, or cohabits with, or has sexual intercourse with, or has sexual contact without consent AS DEFINED IN 45-2-101 with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter, whether or not he or she has been adopted by the person committing the offense. The relationships referred to herein include blood relationships without regard to legitimacy, and relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter, without regard to the existence of an adoption.

~~(2) Consent is ineffective under this section if the victim is less than 14 years old and the offender is 2 or~~

~~more years older than the victim~~

(2)(3)(2) A person convicted of incest shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both."

-End-

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 2 INTRODUCED BY HARPER, ROUSH, METCALF, J. BROWN, WALDRON  
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 14 sexual intercourse with, or has sexual contact without  
 15 consent, AS DEFINED IN 45-2-101 with an ancestor, a  
 16 descendant, a brother or sister of the whole or half blood,  
 17 or any stepson or stepdaughter, whether or not he or she has  
 18 been adopted by the person committing the offense. The  
 19 relationships referred to herein include blood relationships  
 20 without regard to legitimacy, and relationships of parent  
 21 and child by adoption, and relationships involving a stepson  
 22 or stepdaughter, without regard to the existence of an  
 23 adoption.

24 ~~(2) Consent is ineffective under this section if the~~  
 25 ~~victim is less than 14 years old and the offender is 3 or~~

1 ~~more years older than the victim~~  
 2 (2)(3)(2) A person convicted of incest shall be  
 3 imprisoned in the state prison for any term not to exceed 10  
 4 years or be fined an amount not to exceed \$50,000, or both."  
 -End-

March 12, 1983

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 562 be amended as follows:

1. Title, line 6.

Strike: "AND"

Insert: ";"

2. Title, line 8.

Following: "OFFENSE;"

Insert: "PROVIDING FOR THE DEFENSE OF CONSENT;"

3. Page 1, lines 17.

Strike: ", whether or not" through "offense" on line 18.

4. Page 1, lines 22 and 23.

Strike: ", without regard to the existence of an adoption"

5. Page 2.

Following: line 1.

Insert: "(2) Consent is a defense under this section to incest with or upon a stepson or stepdaughter, but consent is ineffective if the victim is less than 18 years old.

Renumber: subsequent subsection.

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE DEFINITION OF THE CRIME OF INCEST TO INCLUDE ANY SEXUAL CONTACT WITHOUT CONSENT AND TO EXTEND THE DEFINITION TO INCLUDE ANY STEPSON OR STEPDAUGHTER WHO HAS NOT BEEN ADOPTED BY THE PERSON COMMITTING THE OFFENSE; PROVIDING FOR THE DEFENSE OF CONSENT; AMENDING SECTION 45-5-613, MCA."

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

Section 1. Section 45-5-613, MCA, is amended to read:

"45-5-613. Incest. (1) A person commits the offense of incest if he knowingly marries, or cohabits with, or has sexual intercourse with, or has sexual contact without consent AS DEFINED IN 45-2-101 with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter, whether or not he or she has been adopted by the person committing the offense. The relationships referred to herein include blood relationships without regard to legitimacy, and relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter, without regard to the existence of an adoption.

~~Consent is ineffective under this section if the~~

~~victim is less than 14 years old and the offender is 3 or more years older than the victim~~

~~(2) CONSENT IS A DEFENSE UNDER THIS SECTION TO INCEST WITH OR UPON A STEPSON OR STEPDAUGHTER, BUT CONSENT IS INEFFECTIVE IF THE VICTIM IS LESS THAN 18 YEARS OLD.~~

~~(3) A person convicted of incest shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both."~~

-End-