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.
Pebruary 15, 1983	Third reading, passed. Transmitted to Senate.
IN THE SEN	ATE
Pebruary 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

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Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 17, 1983

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March 31, 1983

April 1, 1983

Returned to House with amendments.

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

INTRODUCED BILL

House BILL NO. 562 Hom Rough Nutcory S. Brown 1 2 INTRODUCED BY 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 STEPSUN 7 OR STEPDAUGHTER WHO HAS NOT BEEN ADOPTED BY THE PERSON 8 COMMITTING THE OFFENSE; AMENDING SECTION 45-5-613, MCA.^M

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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 13 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 relationships involving a stepson or stepdaughter, without 21 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 victime

(2)(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-

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48th Legislature

HB 0562/02

Approves by Committee on fudiciary

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17	or_any_stepson_or_stepdaughters_whether_or_not_ba_or_she_bas
18	bean_adopted_by_the_person_committing_the_offense. The
19	relationships referred to herein include blood relationships
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21	and child by adoption <u>, and relationships involving a stepson</u>
22	orstepdaughterwithoutregard_totheexistence_of_an
23	adoption.
24	<u>f2}Consent_is_ineffectivs_under_tbis_sectioniftbe</u>

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- 2 t2)t31(2) A person convicted of incest shall be
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-End-

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4 years or be fined an amount not to exceed \$50+000; or both. -End-

-2- нв 562 THIRD READING

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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~End-

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