

SENATE BILL NO. 39

Introduced: 1/3/83

Referred to Committee on Judiciary: 1/3/83

Hearing: 1/11/83

Report: 01/11/83, Do Not Pass. Report Adopted.

Bill Killed.

1 SENATE BILL NO. 39
2 INTRODUCED BY HALLIGAN
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE SPOUSAL
5 IMMUNITY AS A LIMITATION ON RECEIPT OF EVIDENCE IN CIVIL AND
6 CRIMINAL MATTERS; AMENDING SECTIONS 40-2-109 AND 45-5-604,
7 MCA; AND REPEALING SECTIONS 26-1-802 AND 46-16-212, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Repealer. Sections 26-1-802 and 46-16-212,
11 MCA, are repealed.
12 Section 2. Section 40-2-109, MCA, is amended to read:
13 "40-2-109. Right of person to sue spouse for
14 intentional tort. A person has a cause of action against his
15 spouse for damages caused by the spouse's intentional tort
16 against such person, and the common law doctrine of
17 interspousal tort immunity ~~is, to that extent,~~ abolished."
18 Section 3. Section 45-5-604, MCA, is amended to read:
19 "45-5-604. Evidence in cases of promotion. (1) On the
20 issue whether a place is a house of prostitution, the
21 following, in addition to all other admissible evidence,
22 shall be admissible:
23 (a) its general repute;
24 (b) the repute of the persons who reside in or
25 frequent the place; or

1 (c) the frequency, timing, and duration of visits by
2 nonresidents.
3 (2) Testimony of a person against his spouse shall be
4 admissible under ~~45-5-602, 45-5-603, and this section.~~

-End-

INTRODUCED BILL

SB 39