

SENATE BILL NO. 352

2/07 Introduced
2/08 Referred to Judiciary
2/21 Hearing
2/21 Committee Report-Bill Do Pass
2/23 2nd Reading Pass
2/25 3rd Reading Pass

Transmitted to House

2/27 Referred to Judiciary
3/21 Hearing
3/21 Committee Report-Bill Concurred
3/23 2nd Reading Concurred
3/23 On Motion Segregated From Committee
of Whole Report
3/25 Rereferred to Judiciary
Died in Committee

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Senate BILL NO. 352

INTRODUCED BY *Lyleck Mercer* *Colt Bradley*
Yellowtail *Bob Brown*
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE *The Honorable*

A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE THE VICTIM AGE CUTOFF FROM 16 TO 18 YEARS OF AGE FOR PURPOSES OF THE OFFENSE OF ENDANGERING THE WELFARE OF CHILDREN; AMENDING SECTION 45-5-622, MCA."

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

Section 1. Section 45-5-622, MCA, is amended to read:

"45-5-622. Endangering the welfare of children. (1) A parent, guardian, or other person supervising the welfare of a child less than 16 18 years old commits the offense of endangering the welfare of children if he knowingly endangers the child's welfare by violating a duty of care, protection, or support.

(2) A parent or guardian or any person who is 18 years of age or older, whether or not he is supervising the welfare of the child, commits the offense of endangering the welfare of children if he knowingly contributes to the delinquency of a child less than 16 18 years old by:

(a) supplying or encouraging the use of intoxicating substances by the child; or

(b) assisting, promoting, or encouraging the child to:

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(i) abandon his place of residence without the consent of his parents or guardian;

(ii) enter a place of prostitution; or

(iii) engage in sexual conduct.

(3) A person convicted of endangering the welfare of children shall be fined not to exceed \$500 or imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of endangering the welfare of children shall be fined not to exceed \$1,000 or imprisoned in the county jail for any term not to exceed 6 months, or both.

(4) On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse; infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.

(5) The court may order, in its discretion, any fine levied or any bond forfeited upon a charge of endangering the welfare of children paid to or for the benefit of the person or persons whose welfare the defendant has endangered."

-End-

**INTRODUCED BILL
SB 352**



APPROVED BY COMMITTEE
ON JUDICIARY

1 *Senate* BILL NO. *352*
 2 INTRODUCED BY *John Mercer* *Cal Bradley*
 3 *Yellowtail* BY REQUEST OF THE SENATE JUDICIARY COMMITTEE
 4 *Bob Brown*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE THE VICTIM AGE
 6 CUTOFF FROM 16 TO 18 YEARS OF AGE FOR PURPOSES OF THE
 7 OFFENSE OF ENDANGERING THE WELFARE OF CHILDREN; AMENDING
 8 SECTION 45-5-622, MCA."

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

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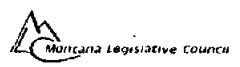
12 "45-5-622. Endangering the welfare of children. (1) A
 13 parent, guardian, or other person supervising the welfare of
 14 a child less than 16 18 years old commits the offense of
 15 endangering the welfare of children if he knowingly
 16 endangers the child's welfare by violating a duty of care,
 17 protection, or support.

18 (2) A parent or guardian or any person who is 18 years
 19 of age or older, whether or not he is supervising the
 20 welfare of the child, commits the offense of endangering the
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 22 delinquency of a child less than 16 18 years old by:

- 23 (a) supplying or encouraging the use of intoxicating
 24 substances by the child; or
 25 (b) assisting, promoting, or encouraging the child to:

- 1 (i) abandon his place of residence without the consent
 2 of his parents or guardian;
 3 (ii) enter a place of prostitution; or
 4 (iii) engage in sexual conduct.
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 6 children shall be fined not to exceed \$500 or imprisoned in
 7 the county jail for any term not to exceed 6 months, or
 8 both. A person convicted of a second offense of endangering
 9 the welfare of children shall be fined not to exceed \$1,000
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 20 levied or any bond forfeited upon a charge of endangering
 21 the welfare of children paid to or for the benefit of the
 22 person or persons whose welfare the defendant has
 23 endangered."

-End-



Senate BILL NO. 352

INTRODUCED BY Hubert Mercer Cal Broadley
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE John Hammond

Frank
Yellowtail Bob Brown

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