

HOUSE BILL NO. 189

INTRODUCED BY RICE, MERCER, ELLIOTT, DARKO, MAZUREK

IN THE HOUSE

JANUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 16, 1989	FIRST READING.
JANUARY 24, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 25, 1989	PRINTING REPORT.
JANUARY 26, 1989	SECOND READING, DO PASS.
JANUARY 27, 1989	ENGROSSING REPORT.
JANUARY 28, 1989	THIRD READING, PASSED. AYES, 93; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 30, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.

MARCH 10, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 189  
2 INTRODUCED BY Lia Mercer Elliott Marko Mayhew  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE SENTENCE  
5 FOR THE CRIME OF INCEST IF THE OFFENDER INFLECTS BODILY  
6 INJURY UPON ANYONE IN THE COURSE OF COMMITTING THE CRIME OR  
7 IF THE VICTIM IS UNDER 16 YEARS OF AGE AND THE OFFENDER IS 3  
8 OR MORE YEARS OLDER THAN THE VICTIM; AND AMENDING SECTION  
9 45-5-507, MCA."

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

12 **Section 1.** Section 45-5-507, MCA, is amended to read:

13 "45-5-507. Incest. (1) A person commits the offense of  
14 incest if he knowingly marries, cohabits with, has sexual  
15 intercourse with, or has sexual contact as defined in  
16 45-2-101 with an ancestor, a descendant, a brother or sister  
17 of the whole or half blood, or any stepson or stepdaughter.  
18 The relationships referred to herein include blood  
19 relationships without regard to legitimacy, relationships of  
20 parent and child by adoption, and relationships involving a  
21 stepson or stepdaughter.

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

25 (3) A person convicted of incest shall be imprisoned

1 in the state prison for any term not to exceed 10 years or  
2 be fined an amount not to exceed \$50,000, or both.

3 (4) If the victim is under 16 years of age and the  
4 offender is 3 or more years older than the victim or if the  
5 offender inflicts bodily injury upon anyone in the course of  
6 committing incest, he shall be imprisoned in the state  
7 prison for any term not to exceed 20 years and may be fined  
8 not more than \$50,000.

9 ~~(4)~~ (5) In addition to any sentence imposed under  
10 subsection (3) or (4), after determining the financial  
11 resources and future ability of the offender to pay  
12 restitution as required by 46-18-242, the court shall  
13 require the offender, if able, to pay the victim's  
14 reasonable costs of counseling that result from the offense.  
15 The amount, method, and time of payment must be determined  
16 in the same manner as provided for in 46-18-244."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 189  
2 INTRODUCED BY Lisa Mercer Elliott Clarke Mayhew  
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