

HOUSE BILL NO. 593

INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE,
STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT,
MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE,
CONNELLY, BRADLEY, DAILY, PAVLOVICH,
JACOBSON, VINCENT, VAUGHN, YELLOWTAIL

IN THE HOUSE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 7, 1989	FIRST READING.
FEBRUARY 15, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 16, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 94; NOES, 2.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
MARCH 28, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
	SECOND READING, CONCURRED IN.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 47; NOES, 2.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *593*
 2 INTRODUCED BY *Angela Russell*
 3 *Regan Burke* *James Wyatt* *Michael D. Hinkle* *Barbara*
 4 *Ream* *Michael D. Hinkle* *Barbara*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNSELING
 6 FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE FIRST OR
 7 SECOND TIME; AND AMENDING SECTION 45-5-206, MCA."

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

9 **Section 1.** Section 45-5-206, MCA, is amended to read:

10 "45-5-206. Domestic abuse. (1) A person commits the
 11 offense of domestic abuse if he:

12 (a) purposely or knowingly causes bodily injury to a
 13 family member or household member; or

14 (b) purposely or knowingly causes reasonable
 15 apprehension of bodily injury in a family member or
 16 household member. The purpose to cause reasonable
 17 apprehension or the knowledge that reasonable apprehension
 18 would be caused shall be presumed in any case in which a
 19 person knowingly points a firearm at or in the direction of
 20 a family member or household member, whether or not the
 21 offender believes the firearm to be loaded.

22 (2) For the purposes of this section and 46-6-401,
 23 "family member or household member" means a spouse, former
 24 spouse, adult person related by blood or marriage, or adult
 25 person of the opposite sex residing with the defendant or

1 who formerly resided with the defendant.

2 (3) A person convicted of domestic abuse for the first
 3 or second time shall be fined not to exceed \$500 or be
 4 imprisoned in the county jail not to exceed 6 months, or
 5 both. On a third or subsequent conviction for domestic
 6 abuse, the person convicted shall be fined not to exceed
 7 \$50,000 or be imprisoned in the state prison for a term not
 8 to exceed 5 years, or both.

9 (4) A person convicted of domestic abuse for the first
 10 or second time shall be required to complete at least 6
 11 months of counseling, totaling at least 25 hours, with a
 12 person licensed under Title 37, chapter 3, 17, 22, or 23.
 13 The counseling must be directed to the violent conduct of
 14 the convicted person. This subsection does not prohibit the
 15 placement of the convicted person in other appropriate
 16 treatment if the court determines there is no available
 17 treatment program directed to the violent conduct of the
 18 convicted person. Upon the recommendation of the counselor,
 19 the sentencing judge may order additional counseling.
 20 Willful failure to obtain or pay for counseling ordered
 21 under this section is a civil contempt of court."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 593

INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE,
STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT,
MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE,
CONNELLY, BRADLEY, DAILY, PAVLOVICH,
JACOBSON, VINCENT, VAUGHN, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNSELING
FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE FIRST OR
SECOND TIME; AND AMENDING SECTION 45-5-206, MCA."

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

Section 1. Section 45-5-206, MCA, is amended to read:

***45-5-206. Domestic abuse.** (1) A person commits the
offense of domestic abuse if he:

(a) purposely or knowingly causes bodily injury to a
family member or household member; or

(b) purposely or knowingly causes reasonable
apprehension of bodily injury in a family member or
household member. The purpose to cause reasonable
apprehension or the knowledge that reasonable apprehension
would be caused shall be presumed in any case in which a
person knowingly points a firearm at or in the direction of
a family member or household member, whether or not the
offender believes the firearm to be loaded.

(2) For the purposes of this section and 46-6-401,
"family member or household member" means a spouse, former
spouse, adult person related by blood or marriage, or adult
person of the opposite sex residing with the defendant or
who formerly resided with the defendant.

(3) A person convicted of domestic abuse for the first
or second time shall be fined not to exceed \$500 or be
imprisoned in the county jail not to exceed 6 months, or
both. On a third or subsequent conviction for domestic
abuse, the person convicted shall be fined not to exceed
\$50,000 or be imprisoned in the state prison for a term not
to exceed 5 years, or both.

(4) A person convicted of domestic abuse for the first
or second time shall be required to PAY FOR AND complete at
least 6 months of counseling, totaling at least 25 hours,
with a person licensed under Title 37, chapter 3, 17, 22, or
23, OR IN A SPECIALIZED DOMESTIC VIOLENCE INTERVENTION
PROGRAM. The counseling must be directed to the violent
conduct of the convicted person. This subsection does not
prohibit the placement of the convicted person in other
appropriate treatment if the court determines there is no
available treatment program directed to the violent conduct
of the convicted person. Upon the recommendation of the
counselor, the sentencing judge may order additional
counseling. Willful failure to obtain or pay for counseling

HB 0593/02

1 ordered under this section is a civil contempt of court."

-End-

HOUSE BILL NO. 593

INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE,
STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT,
MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE,
CONNELLY, BRADLEY, DAILY, PAVLOVICH,
JACOBSON, VINCENT, VAUGHN, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNSELING
FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE FIRST OR
SECOND TIME; AND AMENDING SECTION 45-5-206, MCA."

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

Section 1. Section 45-5-206, MCA, is amended to read:

"45-5-206. Domestic abuse. (1) A person commits the
offense of domestic abuse if he:

(a) purposely or knowingly causes bodily injury to a
family member or household member; or

(b) purposely or knowingly causes reasonable
apprehension of bodily injury in a family member or
household member. The purpose to cause reasonable
apprehension or the knowledge that reasonable apprehension
would be caused shall be presumed in any case in which a
person knowingly points a firearm at or in the direction of
a family member or household member, whether or not the
offender believes the firearm to be loaded.

(2) For the purposes of this section and 46-6-401,
"family member or household member" means a spouse, former
spouse, adult person related by blood or marriage, or adult
person of the opposite sex residing with the defendant or
who formerly resided with the defendant.

(3) A person convicted of domestic abuse for the first
or second time shall be fined not to exceed \$500 or be
imprisoned in the county jail not to exceed 6 months, or
both. On a third or subsequent conviction for domestic
abuse, the person convicted shall be fined not to exceed
\$50,000 or be imprisoned in the state prison for a term not
to exceed 5 years, or both.

(4) A person convicted of domestic abuse for the first
or second time shall be required to PAY FOR AND complete at
least 6 months of counseling, totaling at least 25 hours,
with a person licensed under Title 37, chapter 3, 17, 22, or
23, OR IN A SPECIALIZED DOMESTIC VIOLENCE INTERVENTION
PROGRAM. The counseling must be directed to the violent
conduct of the convicted person. This subsection does not
prohibit the placement of the convicted person in other
appropriate treatment if the court determines there is no
available treatment program directed to the violent conduct
of the convicted person. Upon--the-recommendation-of-the
counselor--the--sentencing--judge--may--order--additional
counseling; Willful failure to obtain or pay for counseling

HB 0593/03

1 ordered under this section is a civil contempt of court."

-End-

SENATE STANDING COMMITTEE REPORT

March 28, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration HB 593 (third reading copy -- blue), respectfully report that HB 593 be amended and as so amended be concurred in:

Sponsor: Russell (Jacobson)

1. Page 2, line 13.

Following: "(4)"

Insert: "(a)"

2. Page 2, line 15.

Following: "hours"

Strike: "1"

Insert: ";

(i) "

3. Page 2, line 17.

Following: "23"

Strike: "1"

Insert: ";

(ii) with a professional person as defined in 53-21-102;"

Following: "OR"

Insert: "(iii)"

4. Page 2, line 18.

Following: "PROGRAM."

Insert: "(b)"

Following: "counseling"

Insert: "provided in subsection (4)(a)"

5. Page 2, line 19.

Strike: "This subsection"

Insert: "Subsection (4)"

6. Page 2, line 25.

Following: "1"

Insert: "(5)"

AND AS AMENDED BE CONCURRED IN

Signed: 

Thomas O. Hager, Chairman

SENATE
HB 593

HOUSE BILL NO. 593

INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE,
STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT,
MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE,
CONNELLY, BRADLEY, DAILY, PAVLOVICH,
JACOBSON, VINCENT, VAUGHN, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNSELING
FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE FIRST OR
SECOND TIME; AND AMENDING SECTION 45-5-206, MCA."

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

Section 1. Section 45-5-206, MCA, is amended to read:

"45-5-206. Domestic abuse. (1) A person commits the
offense of domestic abuse if he:

(a) purposely or knowingly causes bodily injury to a
family member or household member; or

(b) purposely or knowingly causes reasonable
apprehension of bodily injury in a family member or
household member. The purpose to cause reasonable
apprehension or the knowledge that reasonable apprehension
would be caused shall be presumed in any case in which a
person knowingly points a firearm at or in the direction of
a family member or household member, whether or not the
offender believes the firearm to be loaded.

(2) For the purposes of this section and 46-6-401,
"family member or household member" means a spouse, former
spouse, adult person related by blood or marriage, or adult
person of the opposite sex residing with the defendant or
who formerly resided with the defendant.

(3) A person convicted of domestic abuse for the first
or second time shall be fined not to exceed \$500 or be
imprisoned in the county jail not to exceed 6 months, or
both. On a third or subsequent conviction for domestic
abuse, the person convicted shall be fined not to exceed
\$50,000 or be imprisoned in the state prison for a term not
to exceed 5 years, or both.

(4) (A) A person convicted of domestic abuse for the
first or second time shall be required to PAY FOR AND
complete at least 6 months of counseling, totaling at least
25 hours:

(I) with a person licensed under Title 37, chapter 3,
17, 22, or 23;

(II) WITH A PROFESSIONAL PERSON AS DEFINED IN
53-21-102; OR

(III) IN A SPECIALIZED DOMESTIC VIOLENCE INTERVENTION
PROGRAM.

(B) The counseling PROVIDED IN SUBSECTION (4)(A) must
be directed to the violent conduct of the convicted person.
~~This---subsection~~ SUBSECTION (4) does not prohibit the

HB 0593/04

1 placement of the convicted person in other appropriate
2 treatment if the court determines there is no available
3 treatment program directed to the violent conduct of the
4 convicted person. ~~Upon the recommendation of the counselor,~~
5 ~~the sentencing judge may order additional counseling.~~
6 (5) Willful failure to obtain or pay for counseling
7 ordered under this section is a civil contempt of court."

-End-