

HOUSE BILL 90

Introduced by Fisher

12/29	Introduced
12/30	Referred to Judiciary
1/04	First Reading
1/07	Hearing
1/08	Tabled in Committee

HOUSE BILL NO. 90

INTRODUCED BY FISHER

1 consent; or the imminent commission of either offense."

-End-

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PERSON TO
USE FORCE LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM TO
PREVENT SEXUAL INTERCOURSE WITHOUT CONSENT, DEVIATE SEXUAL
CONDUCT WITHOUT CONSENT, OR THE IMMINENT COMMISSION OF
EITHER OFFENSE; AND AMENDING SECTION 45-3-102, MCA."

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

Section 1. Section 45-3-102, MCA, is amended to read:

"45-3-102. Use of force in defense of person. A person
is justified in the use of force or threat to use force
against another when and to the extent that he the person
reasonably believes that such the conduct is necessary to
defend himself the person or another against ~~such--other's~~
the imminent use of unlawful force. However, he the person
is justified in the use of force likely to cause death or
serious bodily harm only if he the person reasonably
believes that such the force is necessary to prevent:

(1) imminent death or serious bodily harm to himself
the person or another; ~~or-to-prevent~~

(2) the commission of a forcible felony;

(3) sexual intercourse without consent; deviate sexual
conduct, in an instance in which the offense is without