

HOUSE BILL NO. 405  
INTRODUCED BY FISHER

IN THE HOUSE

JANUARY 30, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 12, 1993	PRINTING REPORT.
FEBRUARY 13, 1993	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 16, 1993	THIRD READING, PASSED. AYES, 94; NOES, 4.
FEBRUARY 17, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 30, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 31, 1993	SECOND READING, CONCURRED IN.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 2.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 6, 1993	SECOND READING, AMENDMENTS NOT CONCURRED IN.
	ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 7, 1993

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 19, 1993

SECOND READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

APRIL 20, 1993

THIRD READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1993

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 21, 1993

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 405  
2 INTRODUCED BY Mr. [Signature]  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL  
5 OFFENSE OF RITUAL ABUSE OF A MINOR; PROVIDING THE TIME  
6 WITHIN WHICH THE OFFENSE MUST BE PROSECUTED; AND AMENDING  
7 SECTION 45-1-205, MCA."  
8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10 NEW SECTION. Section 1. Ritual abuse of minor --  
11 exceptions -- penalty. (1) A person commits the offense of  
12 ritual abuse of a minor if the person purposely or knowingly  
13 and as part of a ceremony, rite, or similar occurrence:  
14 (a) actually or by simulation tortures, mutilates, or  
15 sacrifices an animal or person in the presence of the minor;  
16 (b) dissects, mutilates, or incinerates a human corpse  
17 or remains in the presence of the minor;  
18 (c) forces upon the minor or upon another person in the  
19 presence of a minor the ingestion or the external bodily  
20 application of human or animal urine, feces, flesh, blood,  
21 bone, or bodily secretions or drugs or chemical compounds;  
22 (d) places a living minor or another living person in a  
23 coffin or open grave that is empty or that contains a human  
24 corpse or remains; or  
25 (e) unless lawfully acting in defense of self or

1 another person, threatens the minor or, in the presence of  
2 the minor, a parent, relative, friend, or pet of the minor  
3 with death or serious bodily harm and the minor reasonably  
4 believes that the threat will or may be carried out.

5 (2) This section does not apply to medical, religious,  
6 burial, agricultural, animal husbandry, educational, food  
7 preparation, hunting, fishing, or other activities,  
8 practices, and procedures allowed by law.

9 (3) A person convicted of ritual abuse of a minor  
10 shall, for the first offense, be imprisoned in the state  
11 prison for a term not to exceed 10 years and for a second or  
12 subsequent offense shall be imprisoned in the state prison  
13 for any term up to life imprisonment.

14 **Section 2.** Section 45-1-205, MCA, is amended to read:

15 "45-1-205. General time limitations. (1) (a) A  
16 prosecution for deliberate, mitigated, or negligent homicide  
17 may be commenced at any time.

18 (b) A prosecution under 45-5-502 through 45-5-505,  
19 45-5-507, or 45-5-625, or [section 1], may be commenced  
20 within 5 years after the victim reaches the age of 18 if the  
21 victim was less than 18 years old at the time the offense  
22 occurred.

23 (2) Except as otherwise provided by law, prosecutions  
24 for other offenses are subject to the following periods of  
25 limitation:

1 (a) A prosecution for a felony must be commenced within  
2 5 years after it is committed.

3 (b) A prosecution for a misdemeanor must be commenced  
4 within 1 year after it is committed.

5 (3) The period prescribed in subsection (2) is extended  
6 in a prosecution for theft involving a breach of fiduciary  
7 obligation to an aggrieved person as follows:

8 (a) if the aggrieved person is a minor or incompetent,  
9 during the minority or incompetency or within 1 year after  
10 the termination thereof of the minority or incompetency;

11 (b) in any other instance, within 1 year after the  
12 discovery of the offense by the aggrieved person or by a  
13 person who has legal capacity to represent an aggrieved  
14 person or has a legal duty to report the offense and is not  
15 himself personally a party to the offense or, in the absence  
16 of such discovery, within 1 year after the prosecuting  
17 officer becomes aware of the offense.

18 (4) The period prescribed in subsection (2) ~~shall~~ must  
19 be extended in a prosecution for unlawful use of a computer,  
20 and prosecution ~~shall~~ must be brought within 1 year after  
21 the discovery of the offense by the aggrieved person or by a  
22 person who has legal capacity to represent an aggrieved  
23 person or has a legal duty to report the offense and is not  
24 himself personally a party to the offense or, in the absence  
25 of such discovery, within 1 year after the prosecuting

1 officer becomes aware of the offense.

2 (5) The period prescribed in subsection (2) is extended  
3 in a prosecution for misdemeanor fish and wildlife  
4 violations under Title 87, and prosecution must be brought  
5 within 3 years after an offense is committed.

6 (6) An offense is committed either when every element  
7 occurs or, when the offense is based upon a continuing  
8 course of conduct, at the time when the course of conduct is  
9 terminated. Time starts to run on the day after the offense  
10 is committed.

11 (7) A prosecution is commenced either when an  
12 indictment is found or an information or complaint is  
13 filed."

14 NEW SECTION. Section 3. Codification instruction.  
15 [Section 1] is intended to be codified as an integral part  
16 of Title 45, chapter 5, part 6, and the provisions of Title  
17 45 apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0405, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating the criminal offense of ritual abuse of a minor.

ASSUMPTIONS:

1. It is assumed that this bill, by itself, does not create a significant workload increase for the legal staff of the Department of Justice.
2. The bill is assumed to cause no net fiscal impact to the state judicial system.
3. The fiscal impact on local governments, if any, is not subject to reasonable estimate.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The fiscal impact, if any, is not subject to reasonable estimate.

 2-4-93

DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2-5-93  
MARJORIE FISHER, PRIMARY SPONSOR      DATE

Fiscal Note for HB0405, as introduced

**HB 405**

APPROVED BY COMMITTEE  
ON JUDICIARY

HOUSE BILL NO. 405

INTRODUCED BY FISHER

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL  
OFFENSE OF RITUAL ABUSE OF A MINOR; PROVIDING THE TIME  
WITHIN WHICH THE OFFENSE MUST BE PROSECUTED; AND AMENDING  
SECTION 45-1-205, MCA."

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

NEW SECTION. **Section 1.** Ritual abuse of minor --  
exceptions -- penalty. (1) A person commits the offense of  
ritual abuse of a minor if the person purposely or knowingly  
and as part of a ceremony, rite, or similar occurrence:

(a) actually or by simulation tortures, mutilates, or  
sacrifices an animal or person in the presence of the minor;

(b) dissects, mutilates, or incinerates a human corpse  
or remains in the presence of the minor;

(c) forces upon the minor or upon another person in the  
presence of a minor the ingestion or the external bodily  
application of human or animal urine, feces, flesh, blood,  
bone, or bodily secretions or drugs or chemical compounds;

(d) places a living minor or another living person IN  
THE PRESENCE OF A MINOR in a coffin or open grave that is  
empty or that contains a human corpse or remains; or

(e) unless lawfully acting in defense of self or

another person, threatens the minor or, in the presence of  
the minor, a parent, relative, friend, or pet of the minor  
with death or serious bodily harm and the minor reasonably  
believes that the threat will or may be carried out.

(2) This section does not apply to medical, religious,  
burial, agricultural, animal husbandry, educational, food  
preparation, hunting, fishing, or other activities,  
practices, and procedures allowed by law.

(3) A person convicted of ritual abuse of a minor  
shall, for the first offense, be imprisoned in the state  
prison for a term not to exceed 10 years and for a second or  
subsequent offense shall be imprisoned in the state prison  
for any term up to life imprisonment.

**Section 2.** Section 45-1-205, MCA, is amended to read:

"45-1-205. General time limitations. (1) (a) A  
prosecution for deliberate, mitigated, or negligent homicide  
may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505,  
45-5-507, or 45-5-625, or [section 1], may be commenced  
within 5 years after the victim reaches the age of 18 if the  
victim was less than 18 years old at the time the offense  
occurred.

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for other offenses are subject to the following periods of  
limitation:

1 (a) A prosecution for a felony must be commenced within  
2 5 years after it is committed.

3 (b) A prosecution for a misdemeanor must be commenced  
4 within 1 year after it is committed.

5 (3) The period prescribed in subsection (2) is extended  
6 in a prosecution for theft involving a breach of fiduciary  
7 obligation to an aggrieved person as follows:

8 (a) if the aggrieved person is a minor or incompetent,  
9 during the minority or incompetency or within 1 year after  
10 the termination thereof of the minority or incompetency;

11 (b) in any other instance, within 1 year after the  
12 discovery of the offense by the aggrieved person or by a  
13 person who has legal capacity to represent an aggrieved  
14 person or has a legal duty to report the offense and is not  
15 himself personally a party to the offense or, in the absence  
16 of such discovery, within 1 year after the prosecuting  
17 officer becomes aware of the offense.

18 (4) The period prescribed in subsection (2) ~~shall~~ must  
19 be extended in a prosecution for unlawful use of a computer,  
20 and prosecution ~~shall~~ must be brought within 1 year after  
21 the discovery of the offense by the aggrieved person or by a  
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24 himself personally a party to the offense or, in the absence  
25 of such discovery, within 1 year after the prosecuting

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4 violations under Title 87, and prosecution must be brought  
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6 (6) An offense is committed either when every element  
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8 course of conduct, at the time when the course of conduct is  
9 terminated. Time starts to run on the day after the offense  
10 is committed.

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12 indictment is found or an information or complaint is  
13 filed."

14 NEW SECTION. **Section 3.** Codification instruction.  
15 [Section 1] is intended to be codified as an integral part  
16 of Title 45, chapter 5, part 6, and the provisions of Title  
17 45 apply to [section 1].

-End-

## HOUSE BILL NO. 405

INTRODUCED BY FISHER

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR; PROVIDING THE TIME WITHIN WHICH THE OFFENSE MUST BE PROSECUTED; AND AMENDING SECTION 45-1-205, MCA."

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

NEW SECTION. Section 1. Ritual abuse of minor -- exceptions -- penalty. (1) A person commits the offense of ritual abuse of a minor if the person purposely or knowingly and as part of a ceremony, rite, or similar occurrence:

(a) actually or by simulation tortures, mutilates, or sacrifices an animal or person in the presence of the minor;

(b) dissects, mutilates, or incinerates a human corpse or remains in the presence of the minor;

(c) forces upon the minor or upon another person in the presence of a minor the ingestion or the external bodily application of human or animal urine, feces, flesh, blood, bone, or bodily secretions or drugs or chemical compounds;

(d) places a living minor or another living person IN THE PRESENCE OF A MINOR in a coffin or open grave that is empty or that contains a human corpse or remains; or

(e) unless lawfully acting in defense of self or

another person, threatens the minor or, in the presence of the minor, a parent, relative, friend, or pet of the minor with death or serious bodily harm and the minor reasonably believes that the threat will or may be carried out.

(2) This section does not apply to medical, religious, burial, agricultural, animal husbandry, educational, food preparation, hunting, fishing, or other activities, practices, and procedures allowed by law.

(3) A person convicted of ritual abuse of a minor shall, for the first offense, be imprisoned in the state prison for a term not to exceed 10 years and for a second or subsequent offense shall be imprisoned in the state prison for any term up to life imprisonment.

Section 2. Section 45-1-205, MCA, is amended to read:

"45-1-205. General time limitations. (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

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1 (a) A prosecution for a felony must be commenced within  
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12 indictment is found or an information or complaint is  
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15 [Section 1] is intended to be codified as an integral part  
16 of Title 45, chapter 5, part 6, and the provisions of Title  
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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 4  
March 29, 1993

Page 2 of 4  
March 29, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 405 (third reading copy -- blue), respectfully report that House Bill No. 405 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail  
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 6.  
Following: "PROSECUTED;"  
Strike: "AND"  
Insert: "CREATING A STATUTE OF LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR;"
2. Title, line 7.  
Strike: "SECTION"  
Insert: "SECTIONS 27-2-204 AND"  
Following: "MCA"  
Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"
3. Page 1, line 8.  
Following: line 7  
Insert: "STATEMENT OF INTENT  
It is the intent of the legislature that the phrase "ceremony, rite, or ritual" be interpreted in a manner that does not include a ceremony, rite, or ritual performed in a formal, commonly recognized religious ceremony."
4. Page 1, line 13.  
Following: "of"  
Strike: "a"  
Insert: "any"  
Following: "or"  
Strike: "similar occurrence"  
Insert: "ritual or of any training or practice for any ceremony, rite, or ritual"
5. Page 1, line 14.  
Following: line 13  
Insert: "(a) has sexual intercourse without consent with a person less than 16 years of age; commits assault, aggravated assault, or felony assault against a victim less than 16 years of age; or kills a person less than 16 years

of age;"  
Renumber: subsequent subsections

6. Page 1, line 25 through page 2, line 1.  
Following: "(e)" on line 25  
Strike: remainder of line 25 through "person," on page 2, line 1
7. Page 2, line 2.  
Following: the first "minor,"  
Strike: remainder of line 2 through second "minor"  
Insert: "threatens any person or animal"
8. Page 2, lines 5 through 7.  
Following: "to" on line 5  
Strike: remainder of line 5 through "other" on line 7
9. Page 2, line 8.  
Following: "procedures"  
Insert: "otherwise"
10. Page 2, line 10.  
Following: "shall"  
Strike: ", "  
Insert: ": (a)"
11. Page 2, line 11.  
Following: "term"  
Strike: "not to exceed 10"  
Insert: "of not less than 2 years or more than 20"  
Following: "and"  
Insert: "may be fined not more than \$50,000, or both; and (b)"
12. Page 2, line 12.  
Following: "offense"  
Insert: ", "  
Strike: "shall"
13. Page 2, line 13.  
Following: "term"  
Strike: "up to life imprisonment"  
Insert: "of not less than 2 years or more than 40 years and may be fined not more than \$50,000, or both"
14. Page 2, line 14.  
Following: line 13  
Insert: "(4) In addition to any sentence imposed under subsection (3), after determining pursuant to 46-18-242 the

AM Amd. Coord.  
47 Sec. of Senate Donnelly  
Senator Carrying Bill

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SENATE  
HB 405

financial resources and future ability of the offender to pay restitution, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

15. Page 4.

Following: line 13

Insert: "NEW SECTION. Section 3. Tort actions -- ritual abuse of minor. (1) An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of ritual abuse of a minor must be commenced not later than:

- (a) 3 years after the act of ritual abuse of a minor that is alleged to have caused the injury; or
- (b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of ritual abuse of a minor.

(2) It is not necessary for a plaintiff to establish which act, in a series of acts of ritual abuse of a minor, caused the injury that is the subject of the suit. The plaintiff may compute the period referred to in subsection (1)(a) from the date of the last act by the same perpetrator.

(3) As used in this section, "ritual abuse of a minor" means any act committed against a plaintiff who was less than 18 years of age at the time the act occurred and that would have been a violation of [section 1].

(4) The provisions of 27-2-401 apply to this section.

Section 4. Section 27-2-204, MCA, is amended to read:  
"27-2-204. Tort actions -- general and personal injury. (1) Except as provided in 27-2-216 and [section 3], the period prescribed for the commencement of an action upon a liability not founded upon an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years."

Renumber: subsequent section

16. Page 4, line 15.  
Following: line 14  
Insert: "(1)"

17. Page 4, line 18.

Following: line 17

Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section 3].

NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 7. Retroactive applicability. [Sections 3 and 4] apply to all causes of action commenced on or after October 1, 1993, regardless of when the cause of action arose. To this extent, [sections 3 and 4] apply retroactively, within the meaning of 1-2-109."

-END-

## 1 HOUSE BILL NO. 405

2 INTRODUCED BY FISHER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL  
5 OFFENSE OF RITUAL ABUSE OF A MINOR; PROVIDING THE TIME  
6 WITHIN WHICH THE OFFENSE MUST BE PROSECUTED; AND CREATING A  
7 STATUTE OF LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES  
8 FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR;  
9 AMENDING SECTION SECTIONS 27-2-204 AND 45-1-205, MCA; AND  
10 PROVIDING A RETROACTIVE APPLICABILITY DATE."  
11

12 STATEMENT OF INTENT

13 IT IS THE INTENT OF THE LEGISLATURE THAT THE PHRASE  
14 "CEREMONY, RITE, OR RITUAL" BE INTERPRETED IN A MANNER THAT  
15 DOES NOT INCLUDE A CEREMONY, RITE, OR RITUAL PERFORMED IN A  
16 FORMAL, COMMONLY RECOGNIZED RELIGIOUS CEREMONY.  
17

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

19 NEW SECTION. Section 1. Ritual abuse of minor --  
20 exceptions -- penalty. (1) A person commits the offense of  
21 ritual abuse of a minor if the person purposely or knowingly  
22 and as part of a ANY ceremony, rite, or similar-occurrence  
23 RITUAL OR OF ANY TRAINING OR PRACTICE FOR ANY CEREMONY,  
24 RITE, OR RITUAL:

25 (A) HAS SEXUAL INTERCOURSE WITHOUT CONSENT WITH A

1 PERSON LESS THAN 16 YEARS OF AGE; COMMITS ASSAULT,  
2 AGGRAVATED ASSAULT, OR FELONY ASSAULT AGAINST A VICTIM LESS  
3 THAN 16 YEARS OF AGE; OR KILLS A PERSON LESS THAN 16 YEARS  
4 OF AGE;

5 (b)(B) actually or by simulation tortures, mutilates,  
6 or sacrifices an animal or person in the presence of the  
7 minor;

8 (b)(C) dissects, mutilates, or incinerates a human  
9 corpse or remains in the presence of the minor;

10 (b)(D) forces upon the minor or upon another person in  
11 the presence of a minor the ingestion or the external bodily  
12 application of human or animal urine, feces, flesh, blood,  
13 bone, or bodily secretions or drugs or chemical compounds;

14 (d)(E) places a living minor or another living person  
15 IN THE PRESENCE OF A MINOR in a coffin or open grave that is  
16 empty or that contains a human corpse or remains; or

17 (e)(F) unless--lawfully--acting--in--defense-of-self-or  
18 another-person; threatens the minor or, in the presence of  
19 the minor, a-parent,relative,friend,or-pet-of-the-minor  
20 THREATENS ANY PERSON OR ANIMAL with death or serious bodily  
21 harm and the minor reasonably believes that the threat will  
22 or may be carried out.

23 (2) This section does not apply to medical--religious,  
24 burial,--agricultural,--animal--husbandry,--educational,--food  
25 preparation,--hunting,--fishing,--or--other activities,

practices, and procedures OTHERWISE allowed by law.

(3) A person convicted of ritual abuse of a minor shall:

(A) for the first offense, be imprisoned in the state prison for a term ~~not-to-exceed-10~~ OF NOT LESS THAN 2 YEARS OR MORE THAN 20 years and MAY BE FINED NOT MORE THAN \$50,000, OR BOTH; AND

(B) for a second or subsequent offense, ~~shall~~ be imprisoned in the state prison for any term ~~up-to-life~~ imprisonment OF NOT LESS THAN 2 YEARS OR MORE THAN 40 YEARS AND MAY BE FINED NOT MORE THAN \$50,000, OR BOTH.

(4) IN ADDITION TO ANY SENTENCE IMPOSED UNDER SUBSECTION (3), AFTER DETERMINING PURSUANT TO 46-18-242 THE FINANCIAL RESOURCES AND FUTURE ABILITY OF THE OFFENDER TO PAY RESTITUTION, THE COURT SHALL REQUIRE THE OFFENDER, IF ABLE, TO PAY THE VICTIM'S REASONABLE COSTS OF COUNSELING THAT RESULT FROM THE OFFENSE. THE AMOUNT, METHOD, AND TIME OF PAYMENT MUST BE DETERMINED IN THE SAME MANNER AS PROVIDED FOR IN 46-18-244.

**Section 2.** Section 45-1-205, MCA, is amended to read:

"45-1-205. General time limitations. (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, or 45-5-625, or [section 1], may be commenced

within 5 years after the victim reaches the age of 18 if the victim was less than 18 years old at the time the offense occurred.

(2) Except as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The period prescribed in subsection (2) is extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination thereof of the minority or incompetency;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not himself personally a party to the offense or, in the absence of such discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) ~~shall~~ must be extended in a prosecution for unlawful use of a computer,

and prosecution ~~shall~~ must be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not himself personally a party to the offense or, in the absence of such discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is committed.

(6) An offense is committed either when every element occurs or, when the offense is based upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the day after the offense is committed.

(7) A prosecution is commenced either when an indictment is found or an information or complaint is filed."

NEW SECTION. SECTION 3. TORT ACTIONS -- RITUAL ABUSE OF MINOR. (1) AN ACTION BASED ON INTENTIONAL CONDUCT BROUGHT BY A PERSON FOR RECOVERY OF DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR MUST BE COMMENCED NOT LATER THAN:

(A) 3 YEARS AFTER THE ACT OF RITUAL ABUSE OF A MINOR

THAT IS ALLEGED TO HAVE CAUSED THE INJURY; OR

(B) 3 YEARS AFTER THE PLAINTIFF DISCOVERS OR REASONABLY SHOULD HAVE DISCOVERED THAT THE INJURY WAS CAUSED BY THE ACT OF RITUAL ABUSE OF A MINOR.

(2) IT IS NOT NECESSARY FOR A PLAINTIFF TO ESTABLISH WHICH ACT, IN A SERIES OF ACTS OF RITUAL ABUSE OF A MINOR, CAUSED THE INJURY THAT IS THE SUBJECT OF THE SUIT. THE PLAINTIFF MAY COMPUTE THE PERIOD REFERRED TO IN SUBSECTION (1)(A) FROM THE DATE OF THE LAST ACT BY THE SAME PERPETRATOR.

(3) AS USED IN THIS SECTION, "RITUAL ABUSE OF A MINOR" MEANS ANY ACT COMMITTED AGAINST A PLAINTIFF WHO WAS LESS THAN 18 YEARS OF AGE AT THE TIME THE ACT OCCURRED AND THAT WOULD HAVE BEEN A VIOLATION OF [SECTION 1].

(4) THE PROVISIONS OF 27-2-401 APPLY TO THIS SECTION.

SECTION 4. SECTION 27-2-204, MCA, IS AMENDED TO READ:

"27-2-204. Tort actions -- general and personal injury.

(1) Except as provided in 27-2-216 and [section 3], the period prescribed for the commencement of an action upon a liability not founded upon an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an

1 action for libel, slander, assault, battery, false  
2 imprisonment, or seduction is within 2 years."

3 NEW SECTION. Section 5. Codification instruction. (1)  
4 [Section 1] is intended to be codified as an integral part  
5 of Title 45, chapter 5, part 6, and the provisions of Title  
6 45 apply to [section 1].

7 (2) [SECTION 3] IS INTENDED TO BE CODIFIED AS AN  
8 INTEGRAL PART OF TITLE 27, CHAPTER 2, PART 2, AND THE  
9 PROVISIONS OF TITLE 27, CHAPTER 2, PART 2, APPLY TO [SECTION  
10 3].

11 NEW SECTION. SECTION 6. SEVERABILITY. IF A PART OF  
12 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE  
13 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS  
14 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART  
15 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE  
16 SEVERABLE FROM THE INVALID APPLICATIONS.

17 NEW SECTION. SECTION 7. RETROACTIVE APPLICABILITY.  
18 [SECTIONS 3 AND 4] APPLY TO ALL CAUSES OF ACTION COMMENCED  
19 ON OR AFTER OCTOBER 1, 1993, REGARDLESS OF WHEN THE CAUSE OF  
20 ACTION AROSE. TO THIS EXTENT, [SECTIONS 3 AND 4] APPLY  
21 RETROACTIVELY, WITHIN THE MEANING OF 1-2-109.

-End-

Conference Committee  
on House Bill 405  
Report No. 1, April 16, 1993

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Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 405 met and considered :

1. Senate Judiciary Committee amendments, dated March 29, 1993,  
to House Bill 405

And recommend that the Senate amendments to House Bill 405  
(reference copy -- salmon) be accepted.

And this Conference Committee report be adopted.

For the House:

Margie Fisher  
Rep. Fisher, Chair

Ellen Bergman  
Rep. Bergman

Scott T. McCulloch  
Rep. McCulloch

For the Senate:

Eve Franklin  
Sen. Franklin, Chair

Steve Doherty  
Sen. Doherty

Jeff  
Sen. Hagg

ADOPT

REJECT

C.C.R.#1  
HB 405  
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