

SENATE BILL 236

Introduced by Yellowtail, et al.

1/22	Introduced
1/22	Referred to Judiciary
1/22	First Reading
1/26	Hearing
1/27	Committee Report--Bill Passed
2/01	Motion Failed to Take from 2nd Reading and Rerefer to Committee
2/01	2nd Reading Passed
2/02	3rd Reading Passed

1 ~~SENATE~~ BILL NO. **236**  
 2 INTRODUCED BY Yellowtail Butt  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING SEXUAL  
 5 ORIENTATION IN THE LAWS PROHIBITING AND ENHANCING CRIMINAL  
 6 PENALTIES FOR MALICIOUS INTIMIDATION OR HARASSMENT;  
 7 CLARIFYING THAT THE MALICIOUS INTIMIDATION OR HARASSMENT  
 8 LAWS APPLY WHETHER OR NOT THE VICTIM IS AN ACTUAL MEMBER OF  
 9 A PROTECTED CLASS; AND AMENDING SECTIONS 45-5-221 AND  
 10 45-5-222, MCA."

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

13 **Section 1.** Section 45-5-221, MCA, is amended to read:

14 "45-5-221. Malicious intimidation or harassment  
 15 relating to civil or human rights -- penalty. (1) A person  
 16 commits the offense of malicious intimidation or harassment  
 17 when, because of another person's actual or perceived race,  
 18 creed, religion, color, national origin, sexual orientation,  
 19 or involvement in civil rights or human rights activities,  
 20 ~~he~~ the person purposely or knowingly, with the intent to  
 21 terrify, intimidate, threaten, harass, annoy, or offend:

22 (a) causes bodily injury to another;

23 (b) causes reasonable apprehension of bodily injury in  
 24 another; or

25 (c) damages, destroys, or defaces any property of

1 another or any public property.

2 (2) For purposes of this section, "deface" includes but  
 3 is not limited to cross burning or the placing of any word  
 4 or symbol commonly associated with racial, religious, or  
 5 ethnic identity or activities on the property of another  
 6 person without ~~his-or-her~~ that person's permission.

7 (3) A person convicted of the offense of malicious  
 8 intimidation or harassment shall be imprisoned in the state  
 9 prison for a term not to exceed 5 years or be fined an  
 10 amount not to exceed \$5,000, or both."

11 **Section 2.** Section 45-5-222, MCA, is amended to read:

12 "45-5-222. Sentence enhancement -- offenses committed  
 13 because of victim's actual or perceived race, creed,  
 14 religion, color, national origin, sexual orientation, or  
 15 involvement in civil rights or human rights activities. (1)  
 16 A person who has been found guilty of any offense, except  
 17 malicious intimidation or harassment, that was committed  
 18 because of the victim's actual or perceived race, creed,  
 19 religion, color, national origin, sexual orientation, or  
 20 involvement in civil rights or human rights activities or  
 21 that involved damage, destruction, or attempted destruction  
 22 of a building regularly used for religious worship, in  
 23 addition to the punishment provided for commission of the  
 24 offense, may be sentenced to a term of imprisonment of not  
 25 less than 2 years or more than 10 years, except as provided

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1 in 46-18-222.

2 (2) An additional sentence prescribed by subsection (1)

3 shall must run consecutively to the sentence, except as

4 provided in 46-18-222."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

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