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

SUNCH BILL NO. 234 1 INTRODUCED BY (fellowtant Gattlett. 2 ٦ A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING SEXUAL 4 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."

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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 commits the offense of malicious intimidation or harassment 16 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 in24 another; or

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



1 another or any public property.

(2) For purposes of this section, "deface" includes but
is not limited to cross burning or the placing of any word
or symbol commonly associated with racial, religious, or
ethnic identity or activities on the property of another
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 because of victim's actual or perceived race, creed, 13 religion, color, national origin, sexual orientation, or 14 involvement in civil rights or human rights activities. (1) 15 A person who has been found guilty of any offense, except 16 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 involvement in civil rights or human rights activities or 20 21 that involved damage, destruction, or attempted destruction of a building regularly used for religious worship, in 22 addition to the punishment provided for commission of the 23 24 offense, may be sentenced to a term of imprisonment of not less than 2 years or more than 10 years, except as provided 25

> -2- S6236 INTRODUCED BILL

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l in 46-18-222.

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

3 shall must run consecutively to the sentence, except as

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-End-

APPROVED BY COMMITTEE ON JUDICIARY

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SB23C SECOND READING

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