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House BILL NO. H11 Wm.E. Boharski

INTRODUCED BY Alyce Bergman James Bitney
Brainard

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIME TO TATTOO A MINOR WITHOUT PARENTAL CONSENT; AND AMENDING SECTION 45-5-623, MCA."

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

Section 1. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if ~~he~~ the person knowingly:

(a) sells or gives explosives to a child under the age of majority except as authorized under appropriate city ordinances;

(b) sells or gives intoxicating substances other than alcoholic beverages to a child under the age of majority;

(c) sells or gives an alcoholic beverage to a person under 21 years of age; ~~or~~

(d) being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child under the age of majority without authorization of the parent or guardian; or

(e) tattoos a child under the age of majority without the explicit in-person consent of the child's parent or guardian. For purposes of this subsection, "tattoo" has the meaning provided in 50-2-116(2)(k)(vi). Failure to adequately verify the identity of a parent or guardian is not an excuse for violation of this subsection.

(2) A person convicted of the offense of unlawful transactions with children shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's comments for contingent termination of certain text.)"

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0411, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act making it a crime to tattoo a minor without parental consent.

Assumptions:

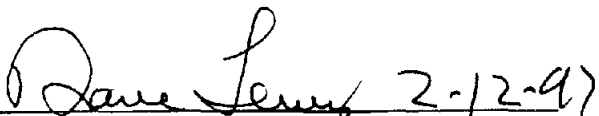
1. There is no fiscal impact to the Department of Public Health and Human Services (DPHHS), the Department of Justice (DoJ), or the Department of Commerce (DoC) as a result of this bill.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The Montana Association of Counties (MAC) reviewed this proposed legislation and was unable to determine a fiscal impact since it is not possible to estimate the number of minors who would get tattoos.


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

CHRIS AHNER, PRIMARY SPONSOR DATE

Fiscal Note for HB0411, as introduced

HB 411

1 HOUSE BILL NO. 411

2 INTRODUCED BY AHNER, BERGMAN, GRIMES, BITNEY, JORE, BRAINARD, BOHARSKI

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIME TO TATTOO A MINOR WITHOUT
5 PARENTAL CONSENT; ~~AND~~ AMENDING SECTION 45-5-623, MCA; AND PROVIDING AN IMMEDIATE
6 EFFECTIVE DATE."7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9
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14 appropriate city ordinances;15 (b) sells or gives intoxicating substances other than alcoholic beverages to a child under the age
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28 both. (See compiler's comments for contingent termination of certain text.)"29
30 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND

1 APPROVAL.

-END-

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