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Sen. J. ... BILL NO. 369

INTRODUCED BY Sen. J. ...

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO ENDANGERING THE WELFARE OF CHILDREN; PROHIBITING A PERSON FROM CONTACTING A CHILD LESS THAN 16 YEARS OF AGE FOR CERTAIN PURPOSES; AND AMENDING SECTION 45-5-622, MCA."

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

Section 1. Section 45-5-622, MCA, is amended to read:

"45-5-622. Endangering the welfare of children. (1) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if ~~he~~ the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support.

(2) Except as provided in 16-6-305, a parent or guardian or any person who is 18 years of age or older, whether or not ~~he~~ the parent, guardian, or other person is supervising the welfare of the child, commits the offense of endangering the welfare of children if ~~he~~ the parent, guardian, or other person knowingly contributes to the delinquency of a child less than:

(a) 18 years old by:

- (i) supplying or encouraging the use of an intoxicating substance by the child; or
- (ii) assisting, promoting, or encouraging the child to enter a place of prostitution; or

(b) 16 years old by assisting, promoting, or encouraging the child to:

(i) abandon ~~his~~ the child's place of residence without the consent of ~~his~~ the child's parents or guardian; or

(ii) engage in sexual conduct.

(3) A person who is 18 years of age or older and who has no legal right of supervision or control over a child less than 16 years of age commits the offense of endangering the welfare of children if, after being advised either verbally or in writing by the child's parent, guardian, or other person supervising the welfare of the child not to contact the child, the person purposely or knowingly continues to contact the child for the future purpose of assisting, promoting, or encouraging the child to:



1 (a) abandon the child's place of residence without the consent of the child's parents or guardian
2 while the child remains a minor; or

3 (b) engage in sexual conduct while the child remains a minor.

4 ~~(3)~~(4) A person convicted of endangering the welfare of children shall be fined an amount not to
5 exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person
6 convicted of a second offense of endangering the welfare of children shall be fined an amount not to
7 exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

8 ~~(4)~~(5) On the issue of whether there has been a violation of the duty of care, protection, and
9 support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse;
10 infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care,
11 clothing, shelter, and food; and evidence of past bodily injury.

12 ~~(5)~~(6) The court may order, in its discretion, any fine levied or any bond forfeited upon a charge
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(3) A person who is 18 years of age or older and who has no legal right of supervision or control over a child less than 16 years of age commits the offense of endangering the welfare of children if, after being advised either verbally or in writing by the child's parent, guardian, or other person supervising the welfare of the child not to contact the child, the person purposely or knowingly continues to contact the child for the future purpose of assisting, promoting, or encouraging the child to:

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SENATE BILL NO. 369

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4 (3) A PARENT, GUARDIAN, OR OTHER PERSON SUPERVISING THE WELFARE OF A CHILD LESS
 5 THAN 16 YEARS OF AGE MAY VERBALLY OR IN WRITING REQUEST A PERSON WHO IS 18 YEARS OF
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 7 STOP CONTACTING THE CHILD IF THE REQUESTOR BELIEVES THAT THE CONTACT IS NOT IN THE
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 11 UNDER TITLE 40, CHAPTER 15. TO THE EXTENT THAT THEY ARE CONSISTENT WITH THIS
 12 SUBSECTION, THE PROVISIONS OF TITLE 40, CHAPTER 15, APPLY. A PERSON WHO PURPOSELY OR
 13 KNOWINGLY VIOLATES AN ORDER OF PROTECTION COMMITS THE OFFENSE OF ENDANGERING THE
 14 WELFARE OF CHILDREN AND UPON CONVICTION SHALL BE SENTENCED AS PROVIDED IN SUBSECTION
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