

HOUSE BILL NO. 360

INTRODUCED BY P. CLARK

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "CRIME OF VIOLENCE" FOR PURPOSES OF CERTAIN CRIMINAL SENTENCING LAWS TO INCLUDE ~~CERTAIN TYPES OF ANY CERTAIN FELONY SEXUAL OFFENSE OFFENSES ASSAULT AND, SEXUAL INTERCOURSE WITHOUT CONSENT WHEN THE VICTIM IS LESS THAN 16 YEARS OF AGE AND THE OFFENDER IS 3 OR MORE YEARS OLDER THAN THE VICTIM, INCEST, AND SEXUAL ABUSE OF CHILDREN;~~ AND AMENDING SECTION 46-18-104, MCA."

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

Section 1. Section 46-18-104, MCA, is amended to read:

"46-18-104. Definitions. As used in 46-18-101, 46-18-105, 46-18-201, 46-18-225, and this section, unless the context requires otherwise, the following definitions apply:

(1) "Community corrections" or "community corrections facility or program" means a community corrections facility or program as defined in 53-30-303.

(2) (A) "Crime of violence" means:

~~(a)(i)~~ a crime in which an offender uses or possesses and threatens to use a deadly weapon during the commission or attempted commission of a crime;

~~(b)(ii)~~ a crime in which the offender causes a serious bodily injury or death to a person other than the offender; or

~~(c)(i)(iii)~~ any sexual AN offense in which the offender causes bodily injury to the victim or uses threat, intimidation, or force against the victim or an offense under 45-5-502(3) or 45-5-503(3)(a) when the victim is less than 16 years of age and the offender is 3 or more years older than the victim;

~~(ii) AN OFFENSE UNDER 45-5-502(3) OR 45-5-503(3)(A), EXCEPT WHEN THE ALLEGED VICTIM IS UNDER THE LEGAL AGE OF CONSENT, IS 13 OR MORE YEARS OF AGE AND WILLINGLY PARTICIPATED IN THE COMMISSION OF THE ALLEGED ACTS, AND 45-5-502(5)(A) OR 45-5-503(3)(D) DOES NOT APPLY; OR~~

~~(iii) AN OFFENSE UNDER 45-5-507(4) OR 45-5-625 FOR WHICH THE MAXIMUM POTENTIAL SENTENCE UNDER STATUTE IS DEATH OR IMPRISONMENT IN A STATE PRISON FOR A TERM EXCEEDING 1 YEAR UNDER:~~



