

DEPARTMENT OF JUSTICE
SB 381: Making it Illegal to Lure Children for Sexual Conduct

Background

Montana's child sexual abuse statutes now address a variety of situations involving children. However, MCA 45-5-625 covers a perpetrator luring a child only for the purposes of employing or using children, photographing or filming children, or sharing child pornography. The statute does not cover the act of luring children for sexual conduct. Experience has shown law enforcement and prosecutors that luring children for sexual conduct, especially online, is a growing problem nationwide and in Montana.

Montana's children are at risk from such behavior and our society would benefit from having a statute that specifically addresses it.

Proposed Changes

SB 381:

- adds language to Section 45-5-625 to address situations where a perpetrator engages in luring children by any means of communication, including electronic communication, for the purpose of engaging in sexual conduct.
- adds the phrase "or a person the offender believes to be a child" to allow law enforcement to conduct undercover operations of perpetrators who solicit children, particularly over the Internet. Such operations help law enforcement apprehend pedophiles.
- defines child as any individual under 18 years of age. Although the words "child" and "children" are used throughout Title 45, there is no definition in that title of the code. Adding a definition removes all doubt and thus all arguments regarding the specific definition, for purposes such as instructing a jury.
- makes it clear that the statute applies if only one child is involved.