

HOUSE BILL NO. 625

INTRODUCED BY J. WELLS

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A MISDEMEANOR FOR CERTAIN SEXUAL OFFENDERS TO POSSESS, OR ENTER A PLACE OF BUSINESS OR A LIBRARY TO VIEW, OBSCENE MATERIAL."

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

NEW SECTION. Section 1. Legislative finding -- definitions. (1) The legislature is concerned that the amount of obscene material available in modern culture to convicted sexual offenders, including obscene material viewed in libraries over the internet, has caused incidents in the past that indicate a danger to women and children using those libraries. The legislature finds that persons who have committed a sexual offense and who view obscene material pose a higher risk of reoffending after they have been released from custody than those sexual offenders who do not view obscene material. The legislature further finds that the privacy interests of those sexual offenders who are registered in a Montana sexual and violent offender registry are diminished, compared to persons who have not committed sexual offenses or who are not registered. The legislature therefore finds that preventing registered sexual offenders from viewing obscene material will assist in preventing registered sexual offenders from reoffending and that this prohibition does not violate the constitutional right of privacy or any other right of a convicted and registered sexual offender.

(2) As used in [section 2] and this section, the following definitions apply:

(a) "Material" has the meaning provided in 45-8-205 and includes visual images accessed through the internet.

(b) "Obscene" has the meaning provided in 45-8-201(2).

(c) "Place of business" means a store, shop, parlor, house, or other location operated for commercial purposes.

(d) "Sexual offense" has the meaning provided in 46-23-502.

NEW SECTION. Section 2. Illegal for sexual offender to possess or enter business or library to view obscene material. A person who has been found guilty of a sexual offense and is registered pursuant to

1 46-23-504 who possesses, or enters a place of business or a library to view, obscene material is guilty of a
2 misdemeanor and upon conviction shall be punished as provided by law.

3
4 NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] is intended to be codified as
5 an integral part of Title 45, chapter 5, part 5, and the provisions of Title 45, chapter 5, part 5, apply to [sections
6 1 and 2].

7 - END -