EXHIBIT 1
DATE 1/12/09
HB 102

HOUSE BILL NO. 102

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR SEXUAL ASSAULT FOR SECOND AND SUBSEQUENT OFFENSES; AND AMENDING SECTION 45-5-502, MCA."

Current law reads (with noted corrections)

Section 1. Section 45-5-502, MCA,
10 **"45-5-502. Sexual assault.** (1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault. (2) (a) ~~A person convicted of~~ On a first conviction for sexual assault, the offender shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

Teague J. Westrope, a Deputy City Attorney Billings City, while prosecuting a sexual assault case last year, was disturbed to find out that the Montana Code does not provide enhanced penalties for repeat sexual assault offenders. This is a relative anomaly within the Code, given that there are enhanced penalties for many other misdemeanor "offenses against a person," such as: Partner/Family Member Assault, Violation of an Order of Protection, Stalking, Indecent Exposure and Privacy in Communications.

The following is the proposed amendment to the law adding parts b & c

(b) On a second conviction for sexual assault, the offender shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. (c) On a third and subsequent offense, the offender shall be fined an amount not to exceed $10,000 or be imprisoned for a term not to exceed 5 years, or both.