

HOUSE BILL NO. 457

INTRODUCED BY NOONAN, HUNTER, WILMER, PRICE, MCCLAFFERTY, FUREY, K. WILLIAMS, HANDS, SANDS, COURT, REINHART, F. SMITH, BOLAND, PEASE-LOPEZ, MEHLHOFF, SESSO, MCNALLY, SCHMIDT, MCCHESENEY, DI. BARRETT, MACDONALD, BELCOURT, B. BENNETT, HOLLENBAUGH, HINER, HILL, MALEK, DRISCOLL, SQUIRES, SWANSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ADDITIONAL SENTENCE FOR A PERSON CONVICTED OF A FORCIBLE FELONY AGAINST A PREGNANT WOMAN OR HER UNBORN CHILD; AND PROVIDING FOR THE OFFENSE OF ASSAULT ON A PREGNANT WOMAN OR HER UNBORN CHILD."

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

NEW SECTION. Section 1. Additional sentence for forcible felony against pregnant woman OR HER UNBORN CHILD. (1) An offender who is convicted of committing a forcible felony, as defined in 45-2-101, against a pregnant woman OR HER UNBORN CHILD and who, at the time of the offense, knew or should have known that the woman was pregnant shall, in addition to the punishment provided for commission of the offense, be sentenced to a term of imprisonment in a state prison of not more than 20 years, except as provided in 46-18-222.

(2) An additional sentence imposed pursuant to this section must be imposed pursuant to the requirements of 46-1-401 and must run consecutively to the sentence imposed for the offense, except as provided in 46-18-222.

NEW SECTION. Section 2. Assault on pregnant woman OR HER UNBORN CHILD. (1) A person commits the offense of assault on a pregnant woman OR HER UNBORN CHILD if the person commits an offense under 45-5-201 against a pregnant woman OR HER UNBORN CHILD and at the time of the offense, the offender knew or should have known that the woman was pregnant.

(2) A person convicted of assault on a pregnant woman OR HER UNBORN CHILD shall be imprisoned in a state prison for a term not to exceed 5 years or be fined not more than \$50,000, or both.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 1].

