

Dallas Erickson  
Testimony  
Senate Bill 107  
House Judiciary Committee  
15 March 2013

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SB 107

Mr. Chair and Members of the Committee,

I am going to pass out the testimony I planned on giving today at this hearing and give this instead. I could stand as a proponent of this bill and what its supporters want to do but not the way they want to do it.

As my testimony illustrates the Supreme Court did not throw out the Deviate Sexual conduct law. Anyone who says differently is not being honest and they say it all the time and the media passes it on as fact. The fact is the Supreme Court upheld part of the law and recommended it stay. The Justices wrote:

“. . . nothing in this opinion should be construed to countenance nonconsensual sexual activity, sexual contact with a minor, or any form of sexual conduct for commercial purposes . . .” in referring to the Deviate Sexual Conduct statute.

They wrote that such activity, deviate sexual conduct with a minor, in a rape or in certain commercial purposes should remain and not be countenanced or allowed under the law.

I would ask you to amend this bill to reflect the court's decision. All that needs to happen is “consenting adults” be removed from the definition of “Deviate Sexual Relations”. LC 1854 is the pattern to do that.

This bill is an attempt to do what needs to be done but in doing so the supporters want to do away with the Deviate Sexual Conduct law in reference to relations between humans. Please do not let them do that. Read my testimony that gives the history of this law which is one of the oldest on the Montana books.

I have spoken with some of you on this committee and others in the legislature about this bill and LC1854. I have been somewhat surprised by some of your positions. One person said he could not vote even for LC1854 because it goes against the Bible. I recognize what he is saying and dread that we are in a slouch toward Gomorrah. However, as law-makers, you have a duty and responsibility to clean up the laws. The Court has ruled on consenting adults. Your duty, since there is nothing you can do about, it is remove that portion of the law.

As a former law enforcement officer I saw the harm in deviate sexual rape of children and adults. There is a harm that does not exist, necessarily, with other forms of rape. Anyone who has listened to the testimony of victims of deviate sexual rape (BSA, Catholic Church, Penn State come to mind) knows there is an additional harm. Sure, people who commit sodomy rape against a child or an adult can be charged through the present rape laws. However, there should be an additional charge against those who rape in a deviate manner because there is additional harm.

Please amend this bill to reflect the court's ruling by rewriting it to match LC1854. That would be in line with the law, the courts and in line with the Platform of the Republican and Democrat platforms. Thank you.

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