Jon Rush
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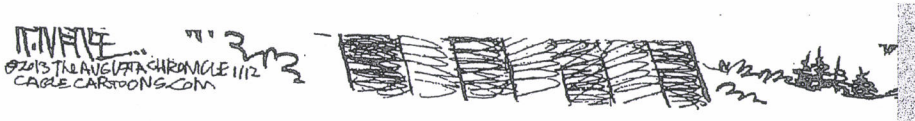

A New Year's resolution for Montana's children

another view

By LEO GALLAGHER, PATRICK DRINGMAN
BILL FULBRIGHT, SCOTT TWITO
BRETT LINNEWEBER AND JOHN PARKER
Montana County Attorney's Association

In recent years, stories of horrific child abuse in Montana have become all too frequent: children violently killed by their parents or other adult caregivers; infants and toddlers suffering broken bones; children molested by adults; children exposed to meth distribution and production; and more.

The county attorneys of Montana handle these matters in court week after week. And this year, we are taking the case for children to the state Capitol. We are firmly resolved to seek legislative change aimed at keeping more kids safe.

The Montana County Attorneys Association is supporting a package of five child-protection bills, sponsored by Democratic and Republican legislators. House Bill 74 by Rep. Margie McDonald, D-Billings, addresses mandatory cross-reporting of child abuse and neglect reports. In order to protect children effectively, prosecutors, police officers, deputy sheriffs, detectives and social workers need the best information they can get as quickly as possible.

Under this bill, prosecutors and law enforcement investigators will get immediate notice from the Department of Family Services of suspicious child deaths, alleged sex assaults against children, exposure of children to violent events and exposure of children to drug manufacturing and distribution.

LC 1080, sponsored by Sen. Mitch Tropila, D-Great Falls, will enact the new felony offense of criminal child endangerment. We need better laws to get a handle on the acts and conduct that lead to child homicides and permanently debilitating injuries inflicted on children. LC 1080 will make it explicitly clear that the following acts constitute child abuse punishable by law: failing to obtain medical care when a child is critically injured; leaving the child in the care of a known abuser or sexual predator; driving drunk or under the influence of drugs with a child in the car; and failing to provide adequate nutrition, resulting in a medical diagnosis of failure to thrive.

LC 1804 by Sen. Fred Thomas, R-Stevensville, will increase the maximum penalty to 20 years when someone assaults a child age 36 months or younger. If the abuse causes serious bodily injury, the penalty would rise to 40 years. Penalties of this kind will force abusers to think twice before they strike an infant or toddler in anger.

SB 113 by Sen. Anders Blewett, D-Great Falls, will allow juries to find out about prior sex crime convictions in cases involving child victims. Child victims can have a hard time testifying in court. Extremely young children may not even know how to talk, or how to describe the abuse they've suffered. Child sex abuse victims deserve extra protection. Jurors need to know about prior sex convictions in these cases so they can understand the full truth when preparing to render their verdict. SB 113 can make that possible. Past legislatures have considered this bill but it did not pass.

The fifth bill, LC 1949 by Rep. Jesse O'Hara, R-Great Falls, will close a loophole in current law that allows some registered sexual and violent offenders to evade a conviction when they fail to register their true residence. When a sexual or violent criminal breaks the law by failing to update their address information or moving without providing notification, law enforcement needs the ability to apprehend them.

Under current law, a loophole prevents prosecution in cases when an offender keeps their belongings at their registered address but leaves the area for an extended period of time. Sexual and violent offenders shouldn't get a self-chosen vacation from their duty to register. It is time to close the loophole to ensure public safety.

This child protection legislative package is supported jointly by Republicans, Democrats and Independent county attorneys. We recognize that protecting kids from physical and sexual abuse should never be a partisan issue. We are unified toward the goal of protecting kids. The Montana Legislature only meets once every two years. This is the time and the opportunity to stand up for vulnerable children at risk. If you feel the same way, please contact your senator or representative to express your support for these child-protection bills. Working together, we can strengthen state law and keep more kids safe. That's a resolution worth keeping.

Leo Gallagher *is Lewis and Clark County attorney and MCAA president*
Dringman *is Sweet Grass County attorney*
Fulbright *is Ravalli County attorney*
Linneweber *is Park County attorney*
Parker *is Cascade County attorney*
Twito *is Yellowstone County attorney*

SENATE Judiciary
Exhibit No. 1
Date 2/15/13
Bill No. HB 74

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