

HOUSE BILL NO. 733

INTRODUCED BY SCHRUMPF, BRUEGGEMAN, EVERETT, FUCHS, HAINES, HEDGES, LAKE,
MORGAN, SINRUD

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM 2 YEARS TO ~~20~~ 4 YEARS THE MINIMUM IMPRISONMENT TERM FOR SEXUAL ASSAULT IF THE VICTIM IS LESS THAN 16 YEARS OF AGE AND THE OFFENDER IS 3 OR MORE YEARS OLDER THAN THE VICTIM OR IF THE OFFENDER INFLECTS BODILY INJURY UPON ANYONE IN THE COURSE OF COMMITTING THE SEXUAL ASSAULT; ALLOWING A JUDGE TO IMPOSE A TERM OF LESS THAN 4 YEARS UPON A WRITTEN FINDING THAT THERE IS GOOD CAUSE TO DO SO; AND AMENDING SECTION 45-5-502, MCA."

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

Section 1. Section 45-5-502, MCA, is amended to read:

"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 person convicted of sexual assault shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than ~~2~~ 20 4 years, UNLESS THE JUDGE MAKES A WRITTEN FINDING THAT THERE IS GOOD CAUSE TO IMPOSE A TERM OF LESS THAN 4 YEARS AND IMPOSES A TERM OF LESS THAN 4 YEARS, or more than 100 years and may be fined not more than \$50,000.

(4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.

(5) Consent is ineffective under this section if:

(a) the victim is incarcerated in an adult or juvenile correctional, detention, or treatment facility and the perpetrator is an employee, contractor, or volunteer of the facility and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search; or

(b) the victim is less than 14 years old and the offender is 3 or more years older than the victim."

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