

HOUSE BILL NO. 134

INTRODUCED BY K. DUDIK

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROSTITUTION STATUTE TO INCLUDE ASSISTED MASTURBATION; AMENDING SECTION 45-5-601, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**Section 1.** Section 45-5-601, MCA, is amended to read:

**"45-5-601. Prostitution.** (1) A person commits the offense of prostitution if the person engages in or agrees or offers to engage in sexual intercourse or assisted masturbation with another person for compensation, whether the compensation is received or to be received or paid or to be paid.

(2) (a) A prostitute convicted of prostitution 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.

(b) Except as provided in subsection (3), a patron who is convicted of prostitution shall for the first offense be fined an amount not to exceed \$1,000 or be imprisoned for a term not to exceed 1 year, or both, and for a second or subsequent offense shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both.

(3) (a) If the person patronized was a child and the patron was 18 years of age or older at the time of the offense, whether or not the patron was aware of the child's age, the patron offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (3)(a)(i) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(ii) may be fined an amount not to exceed \$50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate

1 in the program for continuous, satellite-based monitoring provided for in 46-23-1010."

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3 NEW SECTION. **Section 2. Applicability.** [This act] applies to crimes committed on or after [the  
4 effective date of this act].

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