

HOUSE BILL NO. 546

INTRODUCED BY R. FARRIS-OLSEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CIVIL CAUSE OF ACTION FOR VICTIMS OF GENDER VIOLENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Action for damages against party responsible for gender violence. (1)

A person who has been subjected to gender violence may bring a civil action against a responsible party for actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief. A prevailing plaintiff may be awarded reasonable attorney fees and costs.

(2) An action brought pursuant to this section must be commenced:

(a) within 3 years of the act if the plaintiff was 18 years of age or older when the act occurred; or

(b) if the plaintiff was under 18 years of age when the act occurred, the later of:

(i) within 8 years after the date the plaintiff turned 18 years of age; or

(ii) within 3 years after the date the plaintiff discovered or reasonably should have discovered that the psychological injury or illness occurring after the plaintiff turned 18 years of age was caused by the act.

(3) For the purposes of this section, "gender violence" is a form of sex discrimination and means:

(a) one or more acts that would constitute a criminal offense under state law that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, committed at least in part based on the gender of the victim, whether or not those acts have resulted in criminal complaints, charges, prosecution, or conviction; or

(b) a physical intrusion or physical invasion of a sexual nature under coercive conditions, whether or not those acts have resulted in criminal complaints, charges, prosecution, or conviction.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.



