

HOUSE BILL NO. 105

INTRODUCED BY R. MARSHALL, M. HOPKINS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRIMINAL OFFENSE OF UNLAWFUL TRANSACTIONS WITH CHILDREN; PROHIBITING GIVING OR SELLING TO CHILDREN TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS; AMENDING SECTION 45-5-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

(a) sells or gives explosives to a child ~~under the age of majority~~ except as authorized under appropriate city ordinances;

(b) sells or gives intoxicating substances other than alcoholic beverages to a child ~~under the age of majority~~;

(c) sells or gives an alcoholic beverage to a person under 21 years of age;

(d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as defined in 16-11-302;

~~(d)(e)~~ being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child ~~under the age of majority~~ without authorization of the parent or guardian; or

~~(e)(f)~~ tattoos or provides a body piercing on a child ~~under the age of majority~~ without the explicit in-person consent of the child's parent or guardian. For purposes of this subsection (1)(f), "tattoo" and "body piercing" have the meaning provided in 50-48-102. Failure to adequately verify the identity of a parent or guardian is not an excuse for violation of this subsection (1)(f).

(2) A person convicted of the offense of unlawful transactions with children shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person

1 convicted of a second offense of unlawful transactions with children shall be fined an amount not to exceed
2 \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's
3 comments for contingent termination of certain text.)"

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5 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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7 NEW SECTION. **Section 3. Applicability.** [This act] applies to offenses committed on or after [the
8 effective date of this act].

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