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Law and Justice Interim Committee
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SEXUAL OFFENSES THAT REQUIRE REGISTRATION

The current 14 sexual offenses that require registration in Montana's sex offender registry are contained in the definition of "sexual offense" in [section 46-23-502, MCA](#):¹

- **Unlawful restraint**, if the victim was less than 18 and the offender is not a parent of the victim, [45-5-301, MCA];
- **Kidnapping**, if the victim is less than 18 and the offender is not a parent of the victim [45-5-302, MCA];
- **Aggravated kidnapping**, if the victim is less than 18 and the offender is not a parent of the victim [45-5-303, MCA];
- **Sexual assault**, if the offender is a professional licensed under Title 37 and commits the offense during any treatment, consultation, interview, or evaluation of a person's physical or mental condition, ailment, disease, or injury [45-5-502, MCA];
- **Sexual assault**, if the victim is less than 16 and the offender is 3 or more years older than the victim [45-5-502(3), MCA];
- **Sexual intercourse without consent** [45-5-503(1), (3), or (4), MCA];
- **Indecent exposure**, third or subsequent conviction [45-5-504(2)(c), MCA];
- **Indecent exposure**, if the victim is less than 16 and the offender is 4 or more years older than the victim [45-5-504(3), MCA];
- **Incest**, if the victim is less than 18 and the offender is 3 or more years older than the victim or if the victim is 12 years or younger at the offender is 18 or older at the time of the offense [45-5-507, MCA];
- **Aggravated sexual intercourse without consent** [45-5-508, MCA];
- **Prostitution**, if the person patronized was a child and the patron was 18 years or older at the time of the offense, whether or not the patron was aware of the child's age [45-5-601(3), MCA];
- **Promoting prostitution**, if the person engaging in prostitution was a child and the patron was 18 or older at the time of the offense, whether or not the patron was aware of the child's age [45-5-602(3), MCA];
- **Aggravated promotion of prostitution**, if the victim was a child [45-5-603(1)(b), (2)(b), or (2)(c), MCA];

¹ The number 14 only includes each statutory crime section once, though at least three crimes (sexual assault, incest, and aggravated promotion of prostitution) include different subsections or victim/offender scenarios that could require registration.

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- **Sexual abuse of children** [45-5-625, MCA];
- **Sexual servitude** [45-5-704, MCA]; or
- **Patronizing a victim of sexual servitude** [45-5-705, MCA].

The definitions include any actual violation of the listed statute, as well as an attempt, solicitation, or conspiracy to commit a violation of the listed statute. Offenses that require registration include offenses for which a person was found in youth court to have committed or for which the person was adjudicated in youth court. Registration is also required for a person who violated a reasonably similar law of another state, a tribal government, or the federal government.

Additional Information

- SJ 19 Study Page (2019-2020 Interim): <https://leg.mt.gov/committees/interim/2019ljic/sj-19-svor/>
- Overview of the Montana Sexual or Violent Offender Registration Act, September 2019, available at: <https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Committee-Topics/SJ-19-Study/sj19-svor-background-september-2019.pdf>