

1 SENATE BILL NO. 265
2 INTRODUCED BY M. NOLAND, J. SMALL, S. HINEBAUCH, T. MCGILLVRAY, S. FITZPATRICK, B. USHER,
3 W. MCKAMEY, D. BARTEL, J. ELLSWORTH, K. BOGNER, D. EMRICH, S. SALES, F. MANDEVILLE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO HUMAN TRAFFICKING;
6 INCREASING FINES AND MAKING FINES MANDATORY; AMENDING SECTIONS 45-5-702, 45-5-703, 45-5-
7 704, AND 45-5-705, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10

11 **Section 1.** Section 45-5-702, MCA, is amended to read:

12 **"45-5-702. Trafficking of persons.** (1) A person commits the offense of trafficking of persons if the
13 person purposely or knowingly:

14 (a) recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or
15 entices another person intending or knowing that the person will be subjected to involuntary servitude or sexual
16 servitude; or

17 (b) benefits, financially or by receiving anything of value, from facilitating any conduct described in
18 subsection (1)(a) or from participation in a venture that has subjected another person to involuntary servitude or
19 sexual servitude.

20 (2) (a) Except as provided in subsections (2)(b) and (2)(c), a person convicted of the offense of
21 trafficking of persons shall be imprisoned in the state prison for a term of not more than 15 years, fined an
22 amount ~~not to exceed \$50,000~~ in the amount of \$400,000, or both.

23 (b) A person convicted of the offense of trafficking of persons shall be imprisoned in the state
24 prison for a term of not more than 50 years, fined ~~an amount not to exceed~~ in the amount of \$100,000
25 \$400,000, or both, if the victim was a child.

26 (c) A person convicted of the offense of trafficking of persons shall be imprisoned in the state
27 prison for a term of not more than 25 years, fined ~~an amount not to exceed \$75,000~~ in the amount of \$400,000,
28 or both, if the violation involves aggravated kidnapping, aggravated sexual intercourse without consent, or

1 deliberate homicide."

2

3 **Section 2.** Section 45-5-703, MCA, is amended to read:

4 **"45-5-703. Involuntary servitude.** (1) A person commits the offense of involuntary servitude if the
5 person purposely or knowingly uses coercion to compel another person to provide labor or services, unless the
6 conduct is otherwise permissible under federal or state law.

7 (2) (a) Except as provided in subsection (2)(b), a person convicted of the offense of involuntary
8 servitude shall be imprisoned in the state prison for a term of not more than 15 years, fined ~~an amount not to~~
9 ~~exceed \$50,000~~ in the amount of \$400,000, or both.

10 (b) A person convicted of the offense of involuntary servitude shall be imprisoned in the state
11 prison for a term of not more than 50 years and may be fined ~~not more than \$100,000~~ in the amount of
12 \$400,000 if:

13 (i) the violation involves aggravated kidnapping, sexual intercourse without consent, or deliberate
14 homicide; or

15 (ii) the victim was a child."

16

17 **Section 3.** Section 45-5-704, MCA, is amended to read:

18 **"45-5-704. Sexual servitude.** (1) A person commits the offense of sexual servitude if the person
19 purposely or knowingly:

20 (a) uses fraud, coercion, or deception to compel an adult to engage in commercial sexual activity;

21 or

22 (b) recruits, transports, transfers, harbors, receives, provides, obtains by any means, isolates,
23 entices, maintains, or makes available a child for the purpose of commercial sexual activity.

24 (2) It is not a defense in a prosecution under subsection (1)(b) that the child consented to engage
25 in commercial sexual activity or that the defendant believed the child was an adult.

26 (3) (a) A person convicted of the offense of sexual servitude under subsection (1)(a) shall be
27 imprisoned in the state prison for a term of not more than 15 years, fined ~~an amount not to exceed \$50,000~~ in
28 the amount of \$400,000, or both.

1 (b) A person convicted of the offense of sexual servitude under subsection (1)(b) shall be
2 imprisoned in the state prison for a term of not more than 25 years and fined ~~an amount not to exceed \$75,000~~
3 in the amount of \$400,000."

4

5 **Section 4.** Section 45-5-705, MCA, is amended to read:

6 **"45-5-705. Patronizing victim of sexual servitude.** (1) A person commits the offense of patronizing
7 a victim of sexual servitude if the person purposely or knowingly gives, agrees to give, or offers to give anything
8 of value so that a person may engage in commercial sexual activity:

9 (a) that involves sexual contact that is direct and not through clothing with another person who the
10 person knows or reasonably should have known is a victim of sexual servitude; or

11 (b) with a child.

12 (2) (a) Except as provided in subsection (2)(b), a person convicted of the offense of patronizing a
13 victim of sexual servitude shall be imprisoned in the state prison for a term of not more than 15 years, fined ~~an~~
14 ~~amount not to exceed \$50,000~~ in the amount of \$400,000, or both.

15 (b) If the individual patronized was a child, a person convicted of the offense of patronizing a victim
16 of sexual servitude, whether or not the person believed the child was an adult, shall be imprisoned in the state
17 prison for a term of not more than 25 years and fined ~~an amount not to exceed \$75,000~~ in the amount of
18 \$400,000."

19

20 ~~**Section 5.** Section 45-5-705, MCA, is amended to read:~~

21 ~~**"45-5-705. Patronizing victim of sexual servitude.** (1) A person commits the offense of patronizing~~
22 ~~a victim of sexual servitude if the person purposely or knowingly gives, agrees to give, or offers to give anything~~
23 ~~of value so that a person may engage in commercial sexual activity:~~

24 ~~(a) that involves sexual contact that is direct and not through clothing with another person who the~~
25 ~~person knows or reasonably should have known is a victim of sexual servitude; or~~

26 ~~(b) with a child.~~

27 ~~(2) (a) Except as provided in subsection (2)(b), a person convicted of the offense of patronizing a~~
28 ~~victim of sexual servitude shall be imprisoned in the state prison for a term of not more than 15 years, fined an~~

Amendment - 1st Reading-white - Requested by: Mark Noland - (S) Judiciary

- 2023

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Drafter: Joe Carroll, 406-444-3804

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1 ~~amount not to exceed \$50,000 in the amount of \$400,000, or both.~~

2 ~~(b) — If the individual patronized was a child, a person convicted of the offense of patronizing a victim~~
3 ~~of sexual servitude, whether or not the person believed the child was an adult, shall be imprisoned in the state~~
4 ~~prison for a term of not more than 25 years and fined an amount not to exceed \$75,000 in the amount of~~
5 ~~\$400,000."~~

6

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

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