_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: “AN ACT REVISING THE OFFENSE OF MALICIOUS INTIMIDATION OR HARASSMENT; REMOVING INTENT TO ANNOY OR OFFEND AS A BASIS FOR THE OFFENSE; AMENDING SECTION 45-5-221, MCA; AND PROVIDING AN APPLICABILITY DATE.”

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

Section 1. Section 45-5-221, MCA, is amended to read:

"**45-5-221. Malicious intimidation or harassment relating to civil or human rights -- penalty.** (1) A person commits the offense of malicious intimidation or harassment when, because of another person's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities, the person purposely or knowingly, with the intent to terrify, intimidate, threaten, or harass~~, annoy, or offend~~:

(a) causes bodily injury to another;

(b) causes reasonable apprehension of bodily injury in another; or

(c) damages, destroys, or defaces any property of another or any public property.

(2) For purposes of this section, "deface" includes but is not limited to cross burning or the placing of any word or symbol commonly associated with racial, religious, or ethnic identity or activities on the property of another person without the other person's permission.

(3) A person convicted of the offense of malicious intimidation or harassment shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed $5,000, or both."

NEW SECTION. **Section 2. Applicability.** [This act] applies to offenses taking place on or after [the effective date of this act].

- END -