SENATE BILL NO. 21

INTRODUCED BY D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: “AN ACT CREATING A DEFENSE FOR INDIVIDUALS WHO USE FORCE AGAINST A PERPETRATOR OF A SEX CRIME AGAINST A MINOR FAMILY MEMBER OR HOUSEHOLD MEMBER; AND DEFINING "CHILD VICTIM".”

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

NEW SECTION. **Section 1. Short title.** [Section 2] may be cited as the "The Family Doctrine".

NEW SECTION. **Section 2. Use of force against perpetrator of crime on child victim.** (1) (a) A person is justified in the use of force or threat to use force against another when and to the extent the person reasonably believes that the conduct is:

(i) for defense of a child victim; and

(ii) against the other person's imminent use of unlawful force under 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-625, 45-5-627(1)(a), 45-5-702, 45-5-705, 45-5-706, or 45-5-711.

(b) The person is justified in the use of force likely to cause death or serious bodily injury only if the person reasonably believes that the force is necessary to prevent imminent death or imminent serious bodily injury to a child victim.

(2) A person is justified in the use of force or threat to use force against another when the other person previously committed a crime under 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-625, 45-5-627(1)(a), 45-5-702, 45-5-705, 45-5-706, or 45-5-711 beyond a reasonable doubt against a child victim. However, the person is justified in the use of force likely to cause death or serious bodily injury only if the other person committed a crime under 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-625, 45-5-627(1)(a), 45-5-702, 45-5-705, 45-5-706, or 45-5-711 and in the commission of the crime engaged in sexual intercourse as defined in 45-2-101 beyond a reasonable doubt with the child victim.

(3) As used in subsections (1) and (2), "child victim" means the person's immediate family member

who is under 18 years of age or a member of the person's household who is under 18 years of age."

NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 45, chapter 3, part 1, and the provisions of Title 45, chapter 3, part 1, apply to [section 2].

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