

1 HOUSE BILL NO. 204
2 INTRODUCED BY B. PHALEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CAUSE OF ACTION FOR ALIENATION OF
5 AFFECTION; PROVIDING AN EXCEPTION; REPEALING SECTION 27-1-601, MCA; AND PROVIDING AN
6 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 NEW SECTION. Section 1. Action for alienation of affection. (1) When the loss of affection or
11 consortium of a spouse is caused by the wrongful act of another, the injured spouse may maintain an action for
12 damages against the person causing the loss of affection or consortium.

13 (2) There is no cause of action under this section against a person who counsels, advises,
14 encourages, provides support, or otherwise aids a spouse to leave a marriage in which the person has reason
15 to suspect that the other spouse has been physically, sexually, or emotionally abusive.

16
17 NEW SECTION. Section 2. Repealer. The following section of the Montana Code Annotated is
18 repealed:

19 27-1-601. Cause of action for alienation of affections abolished.

20
21 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
22 integral part of Title 27, chapter 1, part 5, and the provisions of Title 27, chapter 1, part 5, apply to [section 1].

23
24 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

25
26 NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the
27 meaning of 1-2-109, to claims that accrued within 3 years before [the effective date of this act].

28 - END -