

HOUSE BILL NO. 37

INTRODUCED BY M. MONFORTON, SWANDAL

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING THE ADMISSIBILITY OF EVIDENCE IN CRIMINAL ACTIONS INVOLVING DOMESTIC VIOLENCE AND CHILD ABUSE; PROVIDING THAT EVIDENCE OF OTHER ACTS IS ADMISSIBLE IN PROSECUTIONS FOR ENDANGERING THE WELFARE OF CHILDREN AND FOR PARTNER OR FAMILY MEMBER ASSAULT; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Admissibility of evidence of other acts.** (1) Except as provided in subsection (3), in a criminal action in which the defendant is accused of endangering the welfare of children under 45-5-622, evidence of the defendant's commission of other acts of endangering the welfare of children is not made inadmissible by either Rule 404 or Rule 609 of the Montana Rules of Evidence if the evidence is not otherwise inadmissible under Rule 403.

(2) Except as provided in subsection (3), in a criminal action in which the defendant is accused of partner or family member assault under 45-5-206, evidence of the defendant's commission of other acts of partner or family member assault is not made inadmissible by either Rule 404 or Rule 609 of the Montana Rules of Evidence if the evidence is not otherwise inadmissible under Rule 403.

(3) Evidence of acts occurring more than 10 years before the charged offense is inadmissible under this section unless the court determines that the admission of this evidence is in the interest of justice.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 46, chapter 16, part 2, and the provisions of Title 46, chapter 16, part 2, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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