

SENATE BILL NO. 136

INTRODUCED BY F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE CRIMINALITY OF TERRORISTIC THREATS AGAINST SCHOOLS, CONGREGATIONS, EVENTS, GATHERINGS, VENUES, BUSINESSES, OR AGENCIES; AMENDING SECTION 45-5-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 45-5-203, MCA, is amended to read:

"45-5-203. Intimidation. (1) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts:

- (a) inflict physical harm on the person threatened or any other person;
(b) subject any person to physical confinement or restraint; or
(c) commit any felony.

(2) (a) A person commits the offense of intimidation if the person knowingly communicates a threat or false report of a pending fire, explosion, or disaster, or act of violence that would endanger life or property.

(b) As used in this subsection (2):

(i) a threat of an "act of violence" includes a threat toward any person, persons, or group who:

(A) could reasonably be expected to be present in a particular location, event, or venue, including but not limited to a public or private school, a church or other religious gathering, an entertainment or political event or venue, a private or public business, or a government agency; or

(B) are members of a group, congregation, assembly, or other gathering reasonably identified in the communication; and

(ii) "communicates" includes a communication by any means, including an electronic or other communication that could reasonably be expected to be received by another.

(c) No person may be convicted of an offense under this subsection (2) on the uncorroborated testimony of the party to whom the threat was communicated.

1           (3) ~~(a) A~~ Except as provided in (3)(b), a ~~A~~ person convicted of the offense of intimidation shall be  
2 imprisoned in the state prison for ~~any~~ a term not to exceed 10 years or be fined an amount not to exceed \$50,000,  
3 or both.

4           ~~(b) A person convicted of the offense of intimidation for threatening an act of violence as defined in~~  
5 ~~subsection (2)(b)(i) shall be imprisoned in the state prison for a term not to exceed 20 years or be fined an~~  
6 ~~amount not to exceed \$50,000, or both."~~

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8           NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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