

## SENATE BILL NO. 149

INTRODUCED BY J. ESSMANN, MACLAREN

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF PREDATORY LOITERING APPLICABLE TO PERSONS PREVIOUSLY CONVICTED OF A SEXUAL OFFENSE; AND PROVIDING A PENALTY."

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

**NEW SECTION. Section 1. Predatory loitering by sexual offender.** (1) A person commits the offense of predatory loitering if the person:

(a) was previously convicted of a predatory sexual offense or sexual abuse of children;

(b) purposely or knowingly loiters:

(i) in the vicinity of a residence, school, church, or place of work of the person's previous victim; or

(ii) in the vicinity of any school, park, playground, church, bicycle or multiuse path, or other place frequented by minors of an age similar to the age of the victim of the previous sexual offense if the sexual offense concerned a minor; and

(c) has previously been requested by a person in authority to:

(i) leave the area in which the person loiters; OR

(ii) LEAVE ANY AREA IN WHICH THE PERSON HAS LOITERED.

(2) PROOF OF THE OFFENSE OF PREDATORY LOITERING MUST ALSO INCLUDE PROOF THAT THE PERSON IN AUTHORITY HAS MADE A REPORT OF THE REQUEST TO THE LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER THE AREA, AND THE AGENCY HAS DOCUMENTED THE REPORT.

~~(2)(3)~~ A person convicted of the offense of predatory loitering may be fined not more than \$500 or be imprisoned for not more than 6 months, or both. A PERSON CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE OF PREDATORY LOITERING MAY BE FINED NOT MORE THAN \$1,000 OR BE IMPRISONED FOR NOT MORE THAN 1 YEAR, OR BOTH.

~~(3)(4)~~ As used in this section, the following definitions apply:

(a) "Person in authority" includes a peace officer or:

(i) for the purposes of a school or playground, a principal, teacher, SCHOOL STAFF MEMBER, PARENT OR OTHER ADULT RELATIVE OF A CHILD ATTENDING THE SCHOOL OR PLAYGROUND, or other supervisor of minors;

1 (ii) for the purposes of a church, a minister, priest, rabbi, deacon, or other ecclesiastical official, A CHURCH  
2 STAFF MEMBER, OR A PARENT OR OTHER ADULT RELATIVE OF A CHILD ATTENDING THE CHURCH;

3 (iii) for the purposes of a park, playground, or bicycle or multiuse path, a person specified in subsection  
4 (3)(a)(i) or a park warden, guard, or host; or

5 (iv) for purposes of a place of work, a person employed at the place of work.

6 (b) "Predatory sexual offense" has the meaning provided in 46-23-502.

7 (c) "Sexual abuse of children" means commission of the offense provided in 45-5-625.

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9 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
10 integral part of Title 45, chapter 8, part 2, and the provisions of Title 45, chapter 8, part 2, apply to [section 1].

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