

HOUSE BILL NO. 446

INTRODUCED BY J. HINKLE, V. RICCI, S. KLAKKEN, G. OVERSTREET, L. BENNETT, C. SCHOMER, T. MILLETT, C. HINKLE, N. NICOL, A. REGIER, C. SPRUNGER, D. LOGE, S. VINTON, B. LER, R. MINER, K. ZOLNIKOV, L. DEMING, F. NAVE, J. GILLETTE, D. LENZ, J. TREBAS, T. TEZAK, B. PHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE EXPOSURE OF A PERSON'S INTIMATE PARTS IN ~~A PUBLIC PLACE TO MEMBERS OF THE OPPOSITE SEX OR THE OPPOSITE SEX ASSIGNED AT BIRTH TO THE ORDER TO VIOLATE THE DIGNITY OF ANOTHER~~ PERSON CONSTITUTES INDECENT EXPOSURE; ~~PROVIDING A DEFINITION;~~ AMENDING ~~SECTIONS SECTION~~ 45-5-504 ~~AND 46-23-502~~, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

**Section 1.** Section 45-5-504, MCA, is amended to read:

**"45-5-504. Indecent exposure.** (1) A person commits the offense of indecent exposure if the person knowingly or purposely exposes the person's genitals or intimate parts by any means, including electronic communication as defined in 45-5-625(5)(a), under circumstances in which the person knows the conduct is likely to cause affront or alarm ~~in order with the intent~~ to:

(a) abuse, humiliate, harass, violate the dignity of, or degrade another; or  
(b) arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.

(2) (a) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term of not more than 6 months, or both.

(b) On a second conviction, the person shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term of not more than 1 year, or both.

**Amendment - 1st Reading-white - Requested by: Ed Stafman - (H) Judiciary**

- 2025

69th Legislature 2025

Drafter: Rachel Weiss,

HB0446.001.002

(c) On a third or subsequent conviction, the person shall be fined an amount not to exceed \$10,000 or be imprisoned in a state prison for a term of not more than 10 years, or both.

(3) (a) A person commits the offense of indecent exposure to a minor if the person commits an offense under subsection (1) and the person knows the conduct will be observed by a person who is under 16 years of age and the offender is more than 4 years older than the victim.

(b) A person convicted of the offense of indecent exposure to a minor shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years, or both."

**NEW SECTION. Section 2. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2025.

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