

1 SENATE BILL NO. 149

2 INTRODUCED BY J. ESSMANN

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

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

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

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

13 (b) purposely or knowingly loiters:

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

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

18 (c) has previously been requested by a person in authority to leave the area in which the person loiters.

19 (2) A person convicted of the offense of predatory loitering may be fined not more than \$500 or be
20 imprisoned for not more than 6 months, or both.

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

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

23 (i) for the purposes of a school or playground, a principal, teacher, or other supervisor of minors;

24 (ii) for the purposes of a church, a minister, priest, rabbi, deacon, or other ecclesiastical official;

25 (iii) for the purposes of a park, playground, or bicycle or multiuse path, a person specified in subsection

26 (3)(a)(i) or a park warden, guard, or host; or

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

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

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

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