



MONTANA

SEXUAL OFFENSE STATUTES	STATUTE OF LIMITATIONS	DNA EXCEPTION
<p>MONT. CODE § 45-5-502 Sexual assault Punishable by fine not to exceed \$500 or imprisonment for not more than 6 months, or both</p> <p>MONT. CODE § 45-5-503 Sexual intercourse without consent Punishable by life imprisonment or by imprisonment for a term of not less than two years or more than 100 years, and may be fined up to \$50,000 If victim was under 16 and offender is at least three years older than victim, or if offender inflicts bodily injury upon anyone in the course of committed sexual intercourse without consent, punishable by life imprisonment or by imprisonment for a term of not less than four years or more than 100 years, and may be fined up to \$50,000 If two or more people are convicted of sexual intercourse without consent with the same victim in an incident in which each offender was present at the location and reasonably knew about the other's offense, punishable by life imprisonment or by</p>	<p>MONT. CODE § 45-1-201 Classification of offenses For the determination of the court's jurisdiction at the commencement of the action, and for the determination of the commencement of the period of limitations, the offense shall be designated a felony or misdemeanor based upon the maximum potential sentence which could be imposed by statute</p> <p>MONT. CODE § 45-1-205 General time limitations (1) (b) Within 10 years after commission of the offense for felony offenses under:</p> <ul style="list-style-type: none"> • Sexual assault (§ 45-5-502) • Sexual intercourse without consent (§ 45-5-503) • Incest (§ 45-5-507), if victim is under 16 and offender is at least three years older, or if offender inflicts bodily injury upon anyone in the course of committing incest <p>(1) (b) If victim was under 18 at the time of commission of the offense, within 10 years after victim reaches 18 for felony offenses under</p> <ul style="list-style-type: none"> • Sexual assault (§ 45-5-502) • Sexual intercourse without consent 	

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<p>imprisonment for a term of not less than five years or more than 100 years, and may be fined up to \$50,000</p> <p>If an offender was previously convicted of a sexual offense in any other state that would constitute an offense under this section in this state, and offender inflicted serious bodily injury upon a person in the course of committing each offense, punishable by death or by life sentence without the possibility of release</p> <p>If victim was incarcerated in a correctional, detention, or treatment facility at the time of the offense, and offender had supervisory or disciplinary authority over victim, punishable by imprisonment for a term of not more than five years or a fine not to exceed \$50,000, or both</p> <p>MONT. CODE § 45-5-504 Indecent exposure</p> <p>MONT. CODE § 45-5-505 Deviate sexual conduct Punishable by imprisonment for a term not to exceed 10 years, or a fine not to exceed \$50,000, or both Gryczan v. State, 942 P.2d 112 (Mont. 1997), held unconstitutional as applied to private, same gender, consensual, noncommercial sexual conduct</p> <p>MONT. CODE § 45-5-507 Incest Punishable by life imprisonment, or by</p>	<p>(§ 45-5-503)</p> <ul style="list-style-type: none"> • Incest (§ 45-5-507), if victim is under 16 and offender is at least three years older, or if offender inflicts bodily injury upon anyone in the course of committing incest <p>(1) (b) Within one year after commission of the offense for misdemeanor offenses under</p> <ul style="list-style-type: none"> • Sexual assault (§ 45-5-502) • Sexual intercourse without consent (§ 45-5-503) • Incest (§ 45-5-507), if victim is under 16 and offender is at least three years older, or if offender inflicts bodily injury upon anyone in the course of committing incest <p>(1) (b) If victim was under 18 at the time of commission of the offense, within five years after victim reaches 18 for misdemeanor offenses under</p> <ul style="list-style-type: none"> • Sexual assault (§ 45-5-502) • Sexual intercourse without consent (§ 45-5-503) • Incest (§ 45-5-507), if victim is under 16 and offender is at least three years older, or if offender inflicts bodily injury upon anyone in the course of committing incest <p>(1) (c) If victim was under 18 at the time of commission of the offense, within five years after victim reaches 18 for prosecutions under</p>	
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<p>imprisonment for a term not to exceed 100 years</p> <p>MONT. CODE § 45-5-625 Sexual abuse of children Punishable by life imprisonment, or by imprisonment for a term not to exceed 100 years</p>	<ul style="list-style-type: none"> • Deviate sexual conduct (§ 45-5-505) • Incest (§ 45-5-507) • Sexual abuse of children (§ 45-5-625) <p>(2) (a) For any other felony, within five years after commission of the offense</p> <p>(2) (b) For any other misdemeanor, within one year after commission of the offense</p>	
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