

SCORECARD

REPORT CARD MONTANA | 2020



Final Score
61%

12 10 2 5 2 3

19 10 10 7 4 6

Final Grade
C

SCORECARD TOPLINES

Montana allows minors to marry at 16 years of age. Hate crimes laws do not require data collection; do not criminalize interference with religious worship; and do not have penalty enhancements or independent crimes for crimes motivated by sexual orientation, gender, gender identity, disability, political affiliation, or age. The untested sexual assault kit inventory was one-time. No Survivors' Right to Notice exists. An exemption exists so that spouses cannot be convicted of raping a partner under laws criminalizing statutory rape and/or sexual contact between people with a supervisory relationship. The statute of limitations for serious sex crimes has not been eliminated.

Child Marriage

The age of consent for marriage is generally 18 years of age. Marriage is permitted for minors at 16 years of age with parental or guardian consent, after participants have at least 2 separate counseling sessions, and with judicial approval. A court may order the marriage license issued if a child has no parent or guardian capable of consenting and the youth has participated in at least 2 separate counseling sessions. A lower age limit does not exist because one of the participants is pregnant, has been married before, or the individuals are active members of the armed forces. There is not a gender difference in the lowest age allowed to marry.

Consent to Sexual Contact

The lowest age of consent for sexual contact is 16 years of age. A difference in age between individuals engaging in sexual contact is somewhat accounted for. The law does require consent to be freely given or given by affirmative consent. The law accounts for a person's developmental disability or mental capacity impacting their ability to consent. The law accounts for a person's consciousness impacting their ability to consent. The law accounts for a person's intoxication impacting their ability to consent. The law accounts for the relationship between a victim and perpetrator impacting the victim's ability to consent.

Discrimination & Hate Crimes

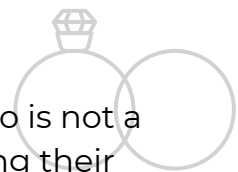
The state does have a hate crimes law but does not require data collection on hate crimes. The state does not criminalize interference with religious worship. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by race, religion, or ethnicity. The state does not have a penalty enhancement for crimes motivated by sexual orientation. The state does not have a penalty enhancement for crimes motivated by gender. The state does not have a penalty enhancement for crimes or an independent crime for crimes motivated by gender identity. The state does not have a penalty enhancement for crimes motivated by disability. The state does not have a penalty enhancement for crimes motivated by political affiliation or age.



Sexual Assault Kit Testing

The state has conducted a one-time inventory of untested sexual assault evidence kits. (rape kits). Testing of the backlog of untested evidence kits has occurred through nonlegislative action. Mandatory testing of new kits is required to occur. A sexual assault evidence kit tracking system has been implemented through legislative action. Funding has been provided for rape kit processing reform. A survivor's right to notice of the status of their evidence kit does not exist.

Spousal Rape



The state does not treat rape of a spouse differently than rape of an individual who is not a spouse of the perpetrator. The state does allow for conviction of a spouse for raping their partner if the partner is unconscious, drugged, or otherwise incapacitated. However, exemptions for spousal rape do exist under laws criminalizing statutory rape and between people with a supervisory relationship.

Statute of Limitations for Sexual Crimes



The state does not have a reduced statute of limitations for criminal prosecution if a victim chooses not to report or delays reporting the crime. The statute of limitations for the most serious felony sex crime is in general 10 years or less although it has been eliminated for some crimes against minors.

The statute of limitations has not been eliminated for all felony sex crimes. For offenses occurring after May 7, 2019, against a minor, the statute of limitations is eliminated for Sexual Assault, Sexual Intercourse Without Consent, Indecent Exposure, Incest, Aggravated Sexual Intercourse Without Consent, Promoting Prostitution, Aggravated Promotion of Prostitution, Sexual Abuse of Children, Ritual Abuse of Minor, Sexual Servitude, or Patronizing Victim of Sexual Servitude. Prosecution for these crimes when a victim was less than 18 years of age at the time that the offense occurred may be at any time going forward from that date.

Exceptions to the statute of limitations do exist for DNA evidence. If a suspect is identified through DNA evidence after the statute of limitations has run, prosecutors have one additional year to file charges.