



Montana State Criminal Codes Related to Sex Trafficking & Prostitution Offenses

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45-5-702. Trafficking of persons. (1) A person commits the offense of trafficking of persons if the person purposely or knowingly: (a) recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices another person intending or knowing that the person will be subjected to involuntary servitude or sexual servitude; or (b) benefits, financially or by receiving anything of value, from participation in a venture that has subjected another person to involuntary servitude or sexual servitude. (2) (a) Except as provided in subsection (2)(b), a person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 15 years, fined an amount not to exceed \$50,000, or both. (b) A person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 50 years and may be fined not more than \$100,000 if: (i) violation involves aggravated kidnapping, sexual intercourse without consent, or deliberate homicide; or (ii) victim was a child.

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45-5-703. Involuntary servitude. (1) A person commits the offense of involuntary servitude if the person purposely or knowingly uses coercion to compel another person to provide labor or services, unless the conduct is otherwise permissible under federal or state law. (2) (a) Except as provided in subsection (2)(b), a person convicted of the offense of involuntary servitude shall be imprisoned in the state prison for a term of not more than 15 years, fined an amount not to exceed \$50,000, or both. (b) A person convicted of the offense of involuntary servitude shall be imprisoned in the state prison for a term of not more than 50 years and may be fined not more than \$100,000 if: (i) the violation involves aggravated kidnapping, sexual intercourse without consent, or deliberate homicide; or (ii) victim was a child.

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45-5-704. Sexual servitude. (1) A person commits the offense of sexual servitude if the person purposely or knowingly: (a) uses coercion or deception to compel an adult to engage in commercial sexual activity; or (b) recruits, transports, transfers, harbors, receives, provides, obtains by any means, isolates, entices, maintains, or makes available a child for the purpose of commercial sexual activity. (2) It is not a defense in a prosecution under subsection (1)(b) that the child consented to engage in commercial sexual activity or that the defendant believed the child was an adult. (3) (a) A person convicted of the offense of sexual servitude under subsection (1)(a) shall be imprisoned in the state prison for a term of not more than 15 years, fined an amount not to exceed \$50,000, or both. (b) A person convicted of the offense of sexual servitude under subsection (1)(b) shall be imprisoned in the state prison for a term of not more than 25 years and fined an amount not to exceed \$75,000.

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45-5-705. Patronizing victim of sexual servitude. (1) A person commits the offense of patronizing a victim of sexual servitude if the person purposely or knowingly gives, agrees to give, or offers to give anything of value so that a person may engage in commercial sexual activity with: (a) another person who the person knows is a victim of sexual servitude; or (b) a child. (2) (a) Except as provided in subsection (2)(b), a person convicted of the offense of patronizing a victim of sexual servitude shall be imprisoned in the state prison for a term of 15 years, fined an amount not to exceed \$50,000, or both. (b) If the individual patronized was a child, a person convicted of the offense of patronizing a victim of sexual servitude, whether or not the person believed the child was an adult, shall be imprisoned in the state prison for a term of not more than 25 years and fined an amount not to exceed \$75,000.

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45-4-101. Solicitation. (1) A person commits the offense of solicitation when, with the purpose that an offense be committed, the person commands, encourages, or facilitates the commission of offense. (2) A person convicted of solicitation shall be punished not to exceed the maximum provided for the offense solicited.

45-5-601. Prostitution. (1) A person commits the offense of prostitution if the person engages in or agrees or offers to engage in sexual intercourse with another person for compensation, whether the compensation is received or to be received or paid or to be paid. (2) (a) A prostitute convicted of prostitution shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. (b) Except as provided in subsection (3), a patron convicted of prostitution shall for the first offense be fined an amount not to exceed \$1,000 or be imprisoned for a term not to exceed 1 year, or both, and for a second or subsequent offense shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both. (3) (a) If the person patronized was a child and the patron was 18 years of age or older at the time of the offense, whether or not the patron was aware of the child's age, the patron offender: (i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence and offender may be fined an amount not to exceed \$50,000.

45-5-602. Promoting prostitution. (1) A person commits the offense of promoting prostitution if the person purposely or knowingly commits any of the following acts: (a) owns, controls, manages, supervises, resides in, or otherwise keeps, alone or in association with others, a house of prostitution or a prostitution business; (b) procures an individual for a house of prostitution or a place in a house of prostitution for an individual; (c) encourages, induces, or otherwise purposely causes another to become or remain a prostitute; (d) solicits clients for another person who is a prostitute; (e) procures a prostitute for a patron; (f) transports an individual into or within this state with the purpose to promote that individual's engaging in prostitution or procures or pays for transportation with that purpose; (g) leases or otherwise permits a place controlled by the offender, alone or in association with others, to be regularly used for prostitution or for the procurement of prostitution or fails to make reasonable effort to abate that use by ejecting the tenant, notifying law enforcement authorities, or using other legally available means; or (h) lives in whole or in part upon the earnings of an individual engaging in prostitution, unless the person is the prostitute's minor child or other legal dependent incapable of self-support. (2) Except as provided in subsection (3), a person convicted of promoting prostitution shall be fined an amount not to exceed \$50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. (3) (a) If the person engaging in prostitution was a child and the patron was 18 years of age or older at the time of the offense, whether or not the patron was aware of the child's age, the patron offender: (i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence and offender may be fined an amount not to exceed \$50,000.

45-5-603. Aggravated promotion of prostitution. (1) A person commits the offense of aggravated promotion of prostitution if the person purposely or knowingly commits any of the following acts: (a) compels another to engage in or promote prostitution; (b) promotes prostitution of a child, whether or not the person is aware of the child's age; (c) promotes the prostitution of one's spouse, child, ward, or any person for whose care, protection, or support the person is responsible. (2) (a) Except as provided in subsection (2)(b), a person convicted of aggravated promotion of prostitution shall be punished by: (i) life imprisonment; or (ii) imprisonment in a state prison for a term not to exceed 20 years or a fine in an amount not to exceed \$50,000, or both. if the person engaging in prostitution was a child and the patron was 18 years of age or older at the time of the offense, the patron offender: (A) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence and offender may be fined an amount not to exceed \$50,000.

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