

1 SENATE BILL NO. 296

2 INTRODUCED BY M. YAKAWICH, C. NEUMANN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ENHANCED PENALTY FOR A PERSON
5 EMPLOYED OR VOLUNTEERING IN A CAREGIVING FACILITY WHO IS FOUND GUILTY OF AN OFFENSE
6 AGAINST A VULNERABLE PERSON IN THAT CAREGIVING FACILITY; PROVIDING FOR "ALAN'S LAW";
7 AND PROVIDING DEFINITIONS."

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

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11 NEW SECTION. Section 1. Short title. [Sections 1 and 2] may be cited as "Alan's Law".

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13 NEW SECTION. Section 2. Additional sentence for offenses committed against a vulnerable
14 **person.** (1) If the provisions of 46-1-401 are complied with, an individual who is found guilty of ~~an offense~~ A
15 MISDEMEANOR OFFENSE UNDER TITLE 45, CHAPTER 5, OR A FELONY OFFENSE while employed or volunteering in a
16 caregiving facility and who committed the offense against a vulnerable person in the facility in which the
17 individual was employed or volunteering shall, in addition to the punishment provided for the commission of the
18 underlying offense, be sentenced to a term of imprisonment in the state prison of not less than 1 year or more
19 than 10 years, except as provided in 46-18-222.

20 ~~(2) — The imposition or execution of the minimum sentences prescribed by this section may not be~~
21 ~~deferred or suspended, except as provided in 46-18-222.~~

22 ~~(3) (2)~~ An additional sentence prescribed by this section must run consecutively to the sentence
23 provided for the offense.

24 ~~(4) (3)~~ For the purposes of this section, the following definitions apply:

25 (a) "Caregiving facility" means:

26 (i) a mental health facility as provided in 53-21-102;

27 (ii) an assisted living facility licensed under 50-5-227;

28 (iii) a long-term care facility, an adult day-care center, a mental health center, a medical assistance

- 1 facility, or a nonprofit health care facility as provided in 50-5-101;
- 2 (iv) a community group home for developmentally disabled, mentally disabled, or severely disabled
- 3 persons that does not provide skilled or intermediate nursing care;
- 4 (v) a licensed adult foster family care home;
- 5 (vi) a halfway house operated in accordance with regulations of the department of public health
- 6 and human services for the rehabilitation of alcoholics or drug-dependent persons;
- 7 (vii) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living
- 8 program, or a youth group home as provided in 52-2-602;
- 9 (viii) a day-care center, a day-care facility, a family day-care home, or a group day-care home as
- 10 provided in 52-2-703; or
- 11 (ix) a public or nonpublic school.
- 12 (b) "Vulnerable person" means:
- 13 (i) a child; OR
- 14 (ii) a vulnerable adult as provided in 52-3-803(11)(B); ~~or~~
- 15
- 16 ~~(iii) an incapacitated person as provided in 72-5-101.~~
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18 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified

19 as an integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to

20 [sections 1 and 2].

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