

MONTANA SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

Montana Department of Justice
Division of Criminal Investigation
Sexual and Violent Offender Registration Unit
PO Box 201417
Helena, MT 59620-1417
Telephone: 406-444-9479
E-mail: dojsvor@state.mt.us
<http://svor2.doj.state.mt.us:8010/index.htm>

NUMBER OF REGISTERED SEX OFFENDERS

1,167 as of January 27, 2003.

1. WHO IS REQUIRED TO REGISTER?

Sexual or violent offenders are required to register.
(*Mont. Code Ann. § 46-23-504(1)*)

2. WHAT DOES “SEXUAL OR VIOLENT OFFENDER” MEAN?

“Sexual or violent offender” means a person who has been convicted of a sexual or violent offense.
(*Mont. Code Ann. § 46-23-502(7)*)

3. WHAT DOES “SEXUAL OFFENSE” MEAN?

“Sexual offense” means:

- (1) any violation of or attempt, solicitation, or conspiracy to commit:
 - (a) unlawful restraint, if the victim is under 18 and the offender is not a parent of the victim;
 - (b) kidnapping or aggravated kidnapping;
 - (c) sexual assault if:
 - (i) the victim is under 16 and the offender is three or more years older; or
 - (ii) the offender inflicts bodily injury upon anyone in the course of committing the sexual assault;
 - (d) sexual intercourse without consent;
 - (e) indecent exposure, if the victim is under 18 and the offender is 18 or older;
 - (f) a third or subsequent conviction for indecent exposure, regardless of the victim’s age;
 - (g) incest, if the victim is under 18 and the offender is three or more years older;
 - (h) promoting prostitution of a minor under 18, regardless of whether the offender is aware of the minor’s age; or
 - (i) sexual abuse of a minor; or
- (2) any violation of a law of another state or the federal government reasonably equivalent to an offense listed in (1) above.

(*Mont. Code Ann. § 46-23-502(6)*)

4. WHAT DOES “VIOLENT OFFENSE” MEAN?

“Violent offense” means:

- (1) any violation of or attempt, solicitation, or conspiracy to commit:
 - (a) deliberate or mitigating-deliberate homicide;
 - (b) aggravated assault;
 - (c) a third or subsequent offense of partner or family-member assault;
 - (d) assault on a peace or judicial officer if the offender purposely or knowingly causes:
 - (i) reasonable apprehension of serious bodily injury in a peace or judicial officer by use of a weapon;
 - (ii) bodily injury to a peace or judicial officer with a weapon; or
 - (iii) serious bodily injury to a peace or judicial officer;
 - (e) assault on a minor;
 - (f) assault with a weapon;
 - (g) robbery; or
 - (h) arson; or
- (2) any violation of a law of another state or the federal government reasonably equivalent to an offense listed in (1) above.

(Mont. Code Ann. § 46-23-502(9))

5. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Please contact the Sexual and Violent Offender Registration Unit or local law enforcement for information on juvenile offenders.

6. WHEN AND WHERE DOES AN OFFENDER REGISTER?

A sexual or violent offender must register immediately upon conclusion of the sentencing hearing if he or she is not sentenced to confinement or to the Montana Department of Corrections and placed in confinement by the department. Registration must be with the probation office having supervision over the offender.

(Mont. Code Ann. §§ 46-23-504(1)(a), (2))

A sexual or violent offender must register at least 10 days prior to release from confinement if he or she was sentenced to confinement or to the Montana Department of Corrections and placed in confinement by the department.

(Mont. Code Ann. § 46-23-504(1)(b))

A sexual or violent offender must register within 10 days of entering a county in Montana for the purpose of residing or setting up a temporary domicile for 10 days or more or for an aggregate period exceeding 30 days in a calendar year. Registration must be with the chief of police of the municipality or the sheriff of the county if the offender resides in an area other than a municipality.

(Mont. Code Ann. §§ 46-23-504(1)(c), (2))

7. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

At the time of registration, the offender must sign a statement in writing giving the information required by the Montana Department of Justice. The chief of police or sheriff will fingerprint the offender, unless the offender’s fingerprints are already on file with the Department of Justice, and photograph the offender.

(Mont. Code Ann. § 46-23-504(3))

8. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If an offender who is required to register changes his or her residence, he or she must, within 10 days of the change, give written notification of the new address to the agency with whom he or she last registered.

(Mont. Code Ann. § 46-23-505)

9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO MONTANA REQUIRED TO REGISTER?

An out-of-state offender must register within 10 days of entering a county in Montana for the purpose of residing or setting up a temporary domicile for 10 days or more or for an aggregate period exceeding 30 days in a calendar year.

(Mont. Code Ann. § 46-23-504(1)(c))

10. IS REGISTRATION A LIFETIME REQUIREMENT?

A sexual offender who is required to register must do so for the remainder of his or her life.

(Mont. Code Ann. § 46-23-506(1))

A violent offender who is required to register must register:

- (1) for 10 years following his or her release from confinement or, if not confined following sentencing, for 10 years following the conclusion of the sentencing hearing; or
- (2) if convicted of failing to register, failing to keep registration current, or of a felony during the 10-year period following his or her confinement or sentencing, he or she must register for the remainder of his or her life.

(Mont. Code Ann. § 46-23-506(2))

At any time after 10 years of registration, a sexual or violent offender may petition the sentencing court or the district court for the judicial district in which he or she resides for an order relieving him or her of the duty to register. The court may grant the petition upon finding that:

- (1) the offender has remained a law-abiding citizen; and
- (2) continued registration is not necessary for public protection and that relief from registration is in the best interests of society.

(Mont. Code Ann. § 46-23-506(3))

Offenders who were convicted of:

- (1) sexual intercourse without consent if:
 - (a) the victim was compelled to submit by force against him- or herself or another; or
 - (b) at the time the offense occurred, the victim was under 12;
- (2) incest, if at the time the offense occurred the victim was under 12 and the offender was three or more years older than the victim;
- (3) a second or subsequent sexual offense that requires registration; or
- (4) a sexual offense and was designated as a sexually violent predator,

are not eligible to petition a court to relieve him or her from the duty to register.

(Mont. Code Ann. § 46-23-506(5))

11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

A sexual or violent offender who knowingly fails to register, verify registration, or keep registration current may be sentenced to a term of imprisonment of no more than five years, may be fined no more than \$10,000, or may be both imprisoned and fined.

(Mont. Code Ann. § 46-23-507)

12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

The name and address of a registered sexual or violent offender are public, criminal-justice information.

(Mont. Code Ann. § 46-23-508(1)(a))

A law-enforcement agency must release any relevant offender-registration information to the public if the agency determines that a registered offender is a risk to the safety of the community and that disclosure of the registration information may protect the public.

(Mont. Code Ann. § 46-23-508(1)(b))

If an offender is given a Level-1 designation (low risk of reoffense), the law-enforcement agency with which he or she is registered must notify the law-enforcement agency in the jurisdiction where the offense requiring registration occurred.

(Mont. Code Ann. § 46-23-508(1)(b)(i))

If an offender is given a Level-2 designation (moderate risk of reoffense) the law-enforcement agency with which he or she is registered may disseminate his or her name to the public with the notation that he or she is a sexual or violent offender and may notify the victim of the offense and any agency, organization, or group serving persons who have characteristics similar to those of a previous victim of the following information:

- (1) the offender's:
 - (a) name;
 - (b) address;
 - (c) photograph; and
 - (d) physical description;
- (2) the type of victim targeted by the offender;
- (3) offense(s) for which the offender is required to register; and
- (4) any conditions imposed by the court upon the offender for public-safety purposes.

(Mont. Code Ann. § 46-23-508(1)(b)(ii))

If an offender is classified as a Level-3 designation (high risk of reoffense, threat to public safety, and most likely a sexual predator), the law-enforcement agency must give the victim and the public notification that includes:

- (1) the offender's:
 - (a) name;
 - (b) address;
 - (c) photograph;
 - (d) physical description; and
 - (e) date of release from confinement or, if not confined, the date the offender was sentenced with a notation that he or she was not confined;
- (2) the type of victim targeted by the offender;
- (3) offense(s) for which the offender is required to register;
- (4) the community in which the offense(s) occurred; and
- (5) any conditions imposed by the court upon the offender for public-safety purposes;

(Mont. Code Ann. § 46-23-508(1)(b)(iii))

13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

Montana's Sexual and Violent Offender Registry, maintained by the Montana Department of Justice, is available online at <http://svor2.doj.state.mt.us:8010/index.htm>. The registry can be searched by county, city, zip code, and last name.

Information available for all offenders includes his or her:

- (1) name;
- (2) address; and
- (3) conviction information.

An offender's photograph, physical description, and victim information is available only for:

- (1) all Level-3 sexual offenders;
- (2) Level-2 sexual offenders with victims under 16; and
- (3) noncompliant offenders, whether sexual or violent.