

HOUSE BILL NO. 631

INTRODUCED BY FITZPATRICK, KERNS, LAVIN

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II OF THE MONTANA CONSTITUTION PROVIDING THAT A PERSON WHO IS HARMED WHILE THE PERSON IS ENGAGING IN CONDUCT CLASSIFIED AS A FELONY OFFENSE IS NOT ENTITLED TO RECOVER DAMAGES FROM A CRIME VICTIM; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Article II of The Constitution of the State of Montana is amended by adding a new section 36 that reads:

Section 36. Recovery of damages from crime victim prohibited. (1) A person who is harmed while the person is attempting to engage in, engaging in, or fleeing after having engaged in conduct that is classified as a felony offense is not entitled to recover damages from a crime victim or person using REASONABLE self defense to protect a crime victim.

(2) For purposes of this section, "crime victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child, or other lawful representative unless the person is in custody for an offense or is the accused.

NEW SECTION. **Section 2. Two-thirds vote required.** Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

NEW SECTION. **Section 3. Effective date.** [This act] is effective upon approval by the electorate.

NEW SECTION. **Section 4. Submission to electorate.** [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2014 by printing on the ballot the full title of [this act] and the following:

YES on Constitutional Amendment No. _____



