

## Stop Street Harassment

# Montana

A variety of forms of street harassment are illegal in Montana, including verbal harassment, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

### Verbal Harassment

In Montana, there are four laws that prohibit some form of verbal street harassment.

#### ***Disorderly Conduct***

##### [§45-8-101](#)

Montana law prohibits a number of acts as disorderly conduct, including:

- Quarreling
- Challenging someone to a fight
- Fighting
- Making loud or unusual noises
- Using threatening, profane, or abusive language

If a street harasser uses threatening or abusive language, loudly shouts at you, or tries to fight with you, you can report him/her.

Penalty: Disorderly conduct is punishable by a fine of up to \$100 and/or up to 10 days in jail.

#### ***Intimidation***

##### [§45-5-203](#)

Montana law prohibits threats made to intimidate someone into doing or not doing something, or threats that make someone fear any retaliation for a lawful act.

An actual act of violence is considered assault, but if a street harasser makes a serious threat of violence that comes with any kind of ultimatum like, “if you do/don’t do this, I will...,” you can report him/her.

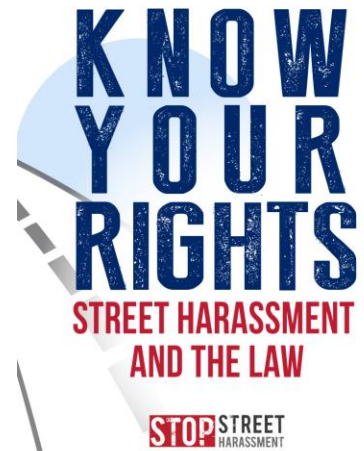
Penalty: Intimidation in Montana is punishable by a fine of up to \$50,000 and/or up to 10 years in prison.

#### ***Malicious Intimidation or Harassment Relating to Civil or Human Rights***

##### [§45-5-221](#)

It is illegal to cause someone “reasonable apprehension of bodily injury,” actual bodily injury, or damage to one’s property “with the intent to terrify, intimidate, threaten, harass, annoy, or offend” because of a prejudice against the person’s:

- Race
- Creed
- Religion
- Color
- National origin
- Involvement in civil rights or human rights activities



## Stop Street Harassment

Take note of any racial or religious slurs that a street harasser uses against you as you have the right to report this malicious harassment to the police.

Unfortunately, this law is incomplete in that it does not protect against harassment based on sex, gender, gender representation, or sexual orientation. But it can still protect you in cases of racial, cultural, or religious discrimination and from retaliation for human rights work, such as organizing to ensure safe spaces for women and LGBTQ individuals.

**Penalty:** Malicious intimidation or harassment relating to civil or human rights is punishable by a fine of up to \$5,000 and/or up to 5 years in prison.

### ***Prostitution***

#### **[§ 45-5-601](#)**

Offering or agreeing to hire a prostitute is illegal in Montana. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

**Penalty:** Patronizing a prostitute is punishable by a fine of up to \$1,000 and/or up to 1 year in jail.

## **Unlawful Filming & Photography**

### ***Surreptitious Visual Observation or Recordation***

#### **[§45-5-223](#)**

It is illegal in Montana for anyone to secretly observe or photograph a non-consenting person in a private residence or for any landlord or owner, manager, or employee of a business to surreptitiously record a visual image of another person in a private place used to undress, such as a restroom, locker room, dressing room or bedroom.

If you discover that someone has done any of these things, you can report him/her to the police.

Unfortunately, the law does not specifically prohibit members of the public from recording someone in these settings and it does not address “up-skirt” or other inappropriate photos taken under clothing.

**Penalty:** Surreptitious visual observation or recordation in a place of residence is punishable by a fine of up to \$500 and/or 6 months in jail. Surreptitious visual recordation in a public establishment is punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

## Stop Street Harassment

### Indecent Exposure

#### ***Indecent Exposure***

#### §45-5-504

Indecent exposure in Montana is defined as knowingly and purposefully exposing one's genitals under circumstances likely to cause affront or alarm others in order to:

- Abuse
- Humiliate
- Harass
- Degrade another person
- Arouse or gratify the sexual response or desire of any person.

If a street harasser exposes him or herself to you or flashes you, you can report him/her.

Penalty: Indecent exposure is punishable by a fine of up to \$500 and/or 6 months in jail.

### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

#### ***Stalking***

#### §45-5-220

In Montana, stalking is when someone knowingly and repeatedly follows another person or harasses, threatens, or intimidates that person, causing that person "emotional distress or reasonable apprehension of bodily injury or death."

If you experience street harassment from the same person on more than one occasion and to the degree that it causes you emotional distress, you can report him/her.

You also have the right to tell the harasser not to approach, follow, or communicate with you, and your having done so establishes further evidence of his or her stalking if the harassment continues. If a judge is presented with credible evidence that stalking has occurred, s/he may issue a restraining order to prevent future harassment.

Penalty: Stalking is punishable by a fine of up to \$1,000 and/or up to 1 year in jail.

## Stop Street Harassment

### Groping

#### ***Sexual Assault***

##### §45-5-502

It is illegal for someone to force a non-consenting person to have sexual contact.

Sexual contact is defined as the touching of sexual or other intimate parts of another person directly or through clothing (meaning if the person touches you over your clothes) with the intent of causing that person bodily injury or to humiliate, harass or degrade that person, or for the harasser's sexual gratification.

If anyone touches you in a sexual way against your will in a public place, such as on the street, at a bus stop, or in a bar, you can report him/her.

Penalty: Sexual assault is punishable by a fine of up to \$500 and/or up to 6 months in jail.

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Helena, it is (406) 442-3233 or (406) 447-8461 and in Missoula, it is 406-552-6300. In Billings, it is (406) 657-8460. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as stalking involving a threat, [Mont. Code Ann. § 45-5-220](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms by which you can submit the same information listed in #2. For example, [Billings](#) and [Missoula](#) have an online crime form where you can report things like suspicious activity.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - In Billings and Yellowstone County, you can do this by calling (406) 245-6660. You can also text the number "CRIMES" (274637) using "BPDTIP" as a keyword followed by a description and location of the crime tip.

## Stop Street Harassment

- In Laurel, you can do this by calling (406) 628-8424.
- Helena allows you to call either (866) 534-5541 or (406) 443-2000.
- You can also submit via [webform](#). [TipSubmit](#) is also available via webform in 13 cities and counties in the state.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.