

(1) make a telephone call during which he makes any comment, request, suggestion, or proposal that is lewd and lascivious; or

(2) make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number; or

(3) make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

(4) individually or in conspiracy or concerted action with other persons make repeated telephone calls, during which a conversation ensues, solely to harass any person at the called number.

2. It shall be unlawful for any person to knowingly permit any telephone under his control to be used for any purpose prohibited by this Section.

3. Any person who violates the provisions of this Act is guilty of a misdemeanor and shall, upon conviction, be punished by confinement in the county jail for not more than one year or by fine not exceeding one thousand dollars, or both such fine and confinement.

SEC. 2. Any offense committed by use of a telephone as set forth in the foregoing Section shall be deemed to have been committed at either the place where the telephone call or calls originated or at the place where the telephone call or calls were received.

MONTANA

[1967 NEW LAWS, REGULAR SESSION, PAGE 75] (HOUSE BILL NO. 188) (APPROVED FEBRUARY 11, 1967)

An Act making it a criminal offense to use a telephone either to terrify, intimidate, threaten, harass, annoy or offend another by the use of obscene, lewd or profane language or the suggestion of a lewd or lascivious act or by threat of injury to person or property, or to attempt to extort money or property from another, or to disturb another by repeated anonymous calls, and providing penalties therefor; providing for prosecution of such offenses at either the place where the telephone call or calls originated or where they were received; and repealing all acts and parts of acts in conflict therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. (1) It is unlawful for any person, with intent to terrify, intimidate, threaten, harass, annoy or offend, to telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act, or threaten to inflict injury or physical harm to the person or property of any person. It is also unlawful to use a telephone to attempt to extort money or other thing of value from any person, or to disturb by repeated anonymous telephone calls the peace, quiet or right of privacy of any person at the place where the telephone call or calls were received.

(2) The use of obscene, lewd or profane language or the making of a threat or lewd or lascivious suggestion shall be prima facie evidence of intent to terrify, intimidate, threaten, harass, annoy or offend.

(3) Any offense committed by use of a telephone in the manner set forth in this section shall be deemed to have been committed at either the place where the telephone call or calls originated or at the place where the telephone call or calls were received, and when an offense under this section is committed by making a telephone call or calls in one county which is or are received in another county, the jurisdiction is in either county.

(4) Any violation of this section shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail not exceeding six (6) months, or by imprisonment in the state prison not exceeding five (5) years.

SEC. 2. Every person who telephones another and knowingly makes any false statements concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his family with intent to terrify, intimidate, harass or annoy the called person is guilty of a misdemeanor. Any offense by use of a telephone is herein set out may be deemed to have been committed at the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.