HOUSE BILL NO. 276

INTRODUCED BY STRIZICH

IN THE HOUSE

JANUARY 19, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

JANUARY 21, 1991

FEBRUARY 19, 1991

COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 21, 1991 POSTED ON CONSENT CALENDAR.

FEBRUARY 22, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

FIRST READING.

THIRD READING, PASSED. AYES, 96; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991

FEBRUARY 23, 1991

FIRST READING.

ON JUDICIARY.

MARCH 7, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 11, 1991 SECOND READING, CONCURRED IN.

MARCH 12, 1991

THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 13, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1050/01

Huuse BILL NO. 276 1 INTRODUCED BY -2 3 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF 4 5 A CONTINUING CRIMINAL ENTERPRISE; DEFINING THE ELEMENTS OF A CONTINUING CRIMINAL ENTERPRISE; AND PROVIDING PENALTIES." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: NEW SECTION. Section 1. Continuing criminal enterprise 9 10 -- penalty. (1) A person who engages in a continuing criminal enterprise is guilty of a crime and upon conviction 11 12 is punishable by a term of imprisonment and a fine not 13 exceeding two times those authorized by 45-9-101 for the 14 underlying offense. For purposes of this subsection, a 15 person is engaged in a continuing criminal enterprise if: 16 (a) the person violates any provision of this chapter 17 that is a felony; and (b) the violation is a part of a continuing series of 18 two or more violations of this chapter on separate 19 20 occasions: (i) that are undertaken by the person in concert with 21 five or more other persons with respect to whom the person 22

23 occupies a position of organizer, supervisor, or any other24 position of management; and

25 (ii) from which the person obtained substantial income



LC 1050/01

1 or resources.

2 (2) A person who violates the provisions of subsection 3 (1) after a previous judgment of conviction under that 4 subsection has become final is punishable by a term of 5 imprisonment not exceeding three times that authorized by 6 45-9-101.

7 (3) A sentence for a conviction under this section runs 8 consecutively with the conviction for the underlying 9 offense. Mandatory minimum sentences must be multiplied as 10 provided in this section and may not be waived or suspended. NEW SECTION. Section 2. Codification 11 instruction. 12 [Section 1] is intended to be codified as an integral part 13 of Title 45, chapter 9, part 1, and the provisions of Title 14 45, chapter 9, part 1, apply to [section 1].

-End-

INTRODUCED BILL

52nd Legislature

HB 0276/02 APPROVED BY COMMITTEE ON JUDICIARY

| 1 | HOUSE BILL NO. 276 |
|----|--|
| 2 | INTRODUCED BY STRIZICH |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF |
| 5 | A CONTINUING CRIMINAL ENTERPRISE; DEFINING THE ELEMENTS OF A |
| 6 | CONTINUING CRIMINAL ENTERPRISE; AND PROVIDING PENALTIES." |
| 7 | |
| 8 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 9 | NEW SECTION. Section 1. Continuing criminal enterprise |
| 10 | penalty. (1) A person who engages in a continuing |
| 11 | criminal enterprise is guilty of a crime and upon conviction |
| 12 | is punishable by a term of imprisonment and a fine not |
| 13 | exceeding two times those authorized by45-9-101 for the |
| 14 | underlying offense. For purposes of this subsection, a |
| 15 | person is engaged in a continuing criminal enterprise if: |
| 16 | (a) the person violates any provision of this chapter |
| 17 | that is a felony; and |
| 18 | (b) the violation is a part of a continuing series of |
| 19 | two or more violations of this chapter on separate |
| 20 | occasions: |
| 21 | (i) that are undertaken by the person in concert with |
| 22 | five or more other persons with respect to whom the person |
| 23 | occupies a position of organizer, supervisor, or any other |
| 24 | position of management; and |
| 25 | (ii) from which the person obtained substantial income |

HB 0276/02

SECOND READING

HB 276

1 or resources.

(2) A person who violates the provisions of subsection
(1) after a previous judgment of conviction under that
subsection has become final is punishable by a term of
imprisonment not exceeding three times that authorized by
45-9-101 FOR THE UNDERLYING OFFENSE.

7 (3) A sentence for a conviction under this section runs 8 consecutively with the conviction for the underlying 9 offense. Mandatory minimum sentences must be multiplied as 10 provided in this section and may not be waived or suspended. 11 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part 12 13 of Title 45, chapter 9, part 1, and the provisions of Title 14 45, chapter 9, part 1, apply to [section 1].

-End-

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HB 0276/02

1 HOUSE BILL NO. 276 1 INTRODUCED BY STRIZICH 2 2 3 3 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF 4 Δ 5 A CONTINUING CRIMINAL ENTERPRISE; DEFINING THE ELEMENTS OF A 5 6 CONTINUING CRIMINAL ENTERPRISE; AND PROVIDING PENALTIES." 6 7 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 8 9 NEW SECTION. Section 1. Continuing criminal enterprise 9 10 -- penalty. (1) A person who engages in a continuing 10 11 criminal enterprise is quilty of a crime and upon conviction 11 is punishable by a term of imprisonment and a fine not 12 12 13 exceeding two times those authorized by --45-9-101 for the 13 underlying offense. For purposes of this subsection, a 14 14 15 person is engaged in a continuing criminal enterprise if: (a) the person violates any provision of this chapter 16 17 that is a felony; and 18 (b) the violation is a part of a continuing series of two or more violations of this chapter on separate 19 20 occasions: 21 (i) that are undertaken by the person in concert with 22 five or more other persons with respect to whom the person 23 occupies a position of organizer, supervisor, or any other 24 position of management; and

25 (ii) from which the person obtained substantial income



HB 0276/02

or resources.
(2) A person who violates the provisions of subsection
(1) after a previous judgment of conviction under that
subsection has become final is punishable by a term of
imprisonment not exceeding three times that authorized by
45-9-101 FOR THE UNDERLYING OFFENSE.
(3) A sentence for a conviction under this section runs
consecutively with the conviction for the underlying
offense. Mandatory minimum sentences must be multiplied as
provided in this section and may not be waived or suspended.
<u>NEW SECTION.</u> Section 2. Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 45, chapter 9, part 1, and the provisions of Title
45, chapter 9, part 1, apply to [section 1].

-End-

THIRD READING -2- HB 276 52nd Legislature

HB 0276/02

1 HOUSE BILL NO. 276 2 INTRODUCED BY STRIZICH 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF 5 A CONTINUING CRIMINAL ENTERPRISE; DEFINING THE ELEMENTS OF A CONTINUING CRIMINAL ENTERPRISE: AND PROVIDING PENALTIES." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 NEW SECTION. Section 1. Continuing criminal enterprise -- penalty. (1) A person who engages in a continuing 10 11 criminal enterprise is guilty of a crime and upon conviction is punishable by a term of imprisonment and a fine not 12 13 exceeding two times those authorized by--45-9-101 for the underlying offense. For purposes of this subsection, a 14 15 person is engaged in a continuing criminal enterprise if: 16 (a) the person violates any provision of this chapter 17 that is a felony; and 18 (b) the violation is a part of a continuing series of 19 two or more violations of this chapter on separate 20 occasions: 21 (i) that are undertaken by the person in concert with

22 five or more other persons with respect to whom the person 23 occupies a position of organizer, supervisor, or any other 24 position of management; and

25 (ii) from which the person obtained substantial income

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| 2 | (2) A person who violates the provisions of subsection |
|----|--|
| 3 | (1) after a previous judgment of conviction under that |
| 4 | subsection has become final is punishable by a term of |
| 5 | imprisonment not exceeding three times that authorized by |
| 6 | 45-9-101 FOR THE UNDERLYING OFFENSE. |
| 7 | (3) A sentence for a conviction under this section runs |
| 8 | consecutively with the conviction for the underlying |
| 9 | offense. Mandatory minimum sentences must be multiplied as |
| 10 | provided in this section and may not be waived or suspended. |
| 11 | NEW SECTION. Section 2. Codification instruction. |
| 12 | [Section 1] is intended to be codified as an integral part |
| 13 | of Title 45, chapter 9, part 1, and the provisions of Title |
| 14 | 45, chapter 9, part 1, apply to [section 1]. |
| | -End- |

-2-

1 or resources.

REFERENCE BILL

HB 276