

HOUSE BILL 466

Introduced by Bachini, et al.

1/30	Introduced
1/30	Referred to Judiciary
1/30	First Reading
1/30	Fiscal Note Requested
2/04	Fiscal Note Received
2/04	Fiscal Note Printed
2/13	Hearing
2/14	Tabled in Committee
2/23	Taken From Table in Committee and Placed on 2nd Reading
2/26	2nd Reading Passed
2/27	3rd Reading Passed
	Transmitted to Senate
2/27	Referred to Judiciary
3/04	First Reading
3/11	Hearing
3/16	Tabled in Committee
4/03	Taken from Table
4/04	Committee Report--Bill Concurred as Amended
4/05	2nd Reading Concur Motion Failed
4/05	2nd Reading Indefinitely Postponed

1 HOUSE BILL NO. 466
 2 INTRODUCED BY Rasini (Sims) Stapp, NATALIE
 3 John H. Johnson, J. Brown, Paul J. Nolan, Elliott
 4 Conley, James J. Hynes, BROWN, Tony Clark
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A
 6 SENTENCE FOR A CONVICTION OF DELIBERATE HOMICIDE INCLUDE A
 7 PROVISION THAT THE OFFENDER IS NOT ELIGIBLE FOR PAROLE OR
 8 PARTICIPATION IN A SUPERVISED RELEASE PROGRAM; AMENDING
 9 SECTION 46-18-202, MCA; AND PROVIDING AN APPLICABILITY
 10 DATE."
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 46-18-202, MCA, is amended to read:
 13 "46-18-202. Additional restrictions on sentence. (1)
 14 The district court may also impose any of the following
 15 restrictions or conditions on the sentence provided for in
 16 46-18-201 which it considers necessary to obtain the
 17 objectives of rehabilitation and the protection of society:
 18 (a) prohibition of the defendant's holding public
 19 office;
 20 (b) prohibition of his owning or carrying a dangerous
 21 weapon;
 22 (c) restrictions on his freedom of association;
 23 (d) restrictions on his freedom of movement;
 24 (e) any other limitation reasonably related to the
 25 objectives of rehabilitation and the protection of society.

1 (2) (a) Whenever Subject to subsection (2)(b), whenever
 2 the district court imposes a sentence of imprisonment in the
 3 state prison for a term exceeding 1 year, the court may also
 4 impose the restriction that the defendant be ineligible for
 5 parole and participation in the supervised release program
 6 while serving his term. If such a restriction is to be
 7 imposed, the court shall state the reasons for it in
 8 writing. If the court finds that the restriction is
 9 necessary for the protection of society, it shall impose the
 10 restriction as part of the sentence and the judgment shall
 11 contain a statement of the reasons for the restriction.
 12 (b) Whenever the district court imposes a sentence of
 13 imprisonment in the state prison for deliberate homicide,
 14 the court shall impose the restriction that the defendant is
 15 ineligible for parole and participation in the supervised
 16 release program while serving his sentence.
 17 (3) The judge in a justice's, city, or municipal court
 18 does not have the authority to restrict an individual's
 19 rights as enumerated in subsections (1) and (2).
 20 (4) When the district court imposes a sentence of
 21 probation as defined in 46-23-1001, any probation agreement
 22 signed by the defendant may contain a clause waiving
 23 extradition."
 24 NEW SECTION. Section 2. Applicability. [This act]
 25 applies to sentences imposed for crimes committed on or



LC 1451/01

1 after October 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0466, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act to require that sentence for a conviction of deliberate homicide include a provision that the offender is not eligible for parole or participation in a supervised release program; amending section 46-18-202, MCA; and providing an applicability date."

ASSUMPTIONS:

1. This bill requires that a sentence of imprisonment in the state prison for deliberate homicide makes the defendant ineligible for parole and participation in the supervised release program while serving his sentence.
2. A total of 15 inmates convicted of deliberate homicide have been paroled in the past five years. This is an average of three a year.
3. Three additional inmates will be held in prison at a variable cost of \$4.96/inmate/day in FY92 and \$5.55/inmate/day in FY93.
4. The effective date is October 1, 1991, and inmates sentenced before passage of the bill will continue to be eligible for parole or supervised release programs.


FISCAL IMPACT:

Department of Institutions, Montana State Prison:

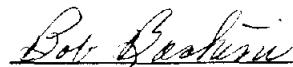
	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	0	5,432	5,431	0	6,077	6,077
<u>Funding:</u>						
General Fund (01)	0	5,432	5,431	0	6,077	6,077

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The impact of this bill probably will not be felt until the year 2000 when, presumably, most defendants now convicted of deliberate homicide will have been paroled. At that point, the effect probably will equate to an additional five inmates per year.


ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

DATE


BOB BACHINI, PRIMARY SPONSOR

DATE

Fiscal Note for HB0466, as introduced

2-4-91
HB 466

Taken from table in Judiciary Committee to place on 2nd reading.

1 HOUSE BILL NO. 466
 2 INTRODUCED BY Reid (Senators) Skyles (NA)
 3 Senators: J. Brown, Paul J. Hill, Elliott
 4 County: ...
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A
 6 SENTENCE FOR A CONVICTION OF DELIBERATE HOMICIDE INCLUDE A
 7 PROVISION THAT THE OFFENDER IS NOT ELIGIBLE FOR PAROLE OR Connolly
 8 PARTICIPATION IN A SUPERVISED RELEASE PROGRAM; AMENDING
 9 SECTION 46-18-202, MCA; AND PROVIDING AN APPLICABILITY
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- 19 office;
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- 21 weapon;
- 22 (c) restrictions on his freedom of association;
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- 24 (e) any other limitation reasonably related to the

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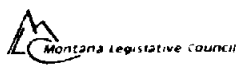
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 16 release program while serving his sentence.

17 (3) The judge in a justice's, city, or municipal court
 18 does not have the authority to restrict an individual's
 19 rights as enumerated in subsections (1) and (2).

20 (4) When the district court imposes a sentence of
 21 probation as defined in 46-23-1001, any probation agreement
 22 signed by the defendant may contain a clause waiving
 23 extradition."

24 NEW SECTION. Section 2. Applicability. [This act]
 25 applies to sentences imposed for crimes committed on or

SECOND READING



HB 466

LC 1451/01

1 after October 1, 1991.

-End-

1 HOUSE BILL NO. 466
 2 INTRODUCED BY *Bastiani (Assembly) Skipton NATALIE*
 3 *James J. Brown Paul J. Hahn Elliott*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A
 5 SENTENCE FOR A CONVICTION OF DELIBERATE HOMICIDE INCLUDE A
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THIRD READING
 HB 466

LC 1451/01

1 after October 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 466 (third reading copy -- blue), respectfully report that House Bill No. 466 be amended and as so amended be concurred in:

1. Title, line 6.

Following: "THAT"

Insert: "IN CERTAIN CASES"

2. Page 2, line 13.

Following: "homicide"

Insert: "in which one or more aggravating circumstances set forth in 46-18-303 exist and none of the mitigating circumstances set forth in 46-18-304 exist"

Signed: _____


Richard Pinsoneault, Chairman

AM 4-4-91
App. Coord.

SB 4-4 6:00 pm
Sec. of Senate

SENATE
HB 46