

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
April 11, 1979

The regular meeting was called to order by Vice-chairman Teague at 1:00 p.m. in room 437 of the Capitol Building on Wednesday, April 11. All members were present except Representatives Conroy, Day, Keyser, Rosenthal, Seifert, Uhde, and Scully.

HOUSE BILL NO. 924:

Representative Eugene Frates, District 60, introduced his bill which makes bombing a public place a felonious crime, provides a death penalty under certain circumstances, and restricts those sentenced under this act from participation in the parole and prisoner furlough programs. He walked the committee through the bill which defines "bombing", a "public place", and the mandated sentence for such a crime. The exemptions to this act are found in 46-18-222, MCA. Representative Frates stated that he felt bombing was a form of pre-meditated murder and was an "overt act against society". He stated that he couldn't find a section which dealt with bombing in the codes, and that it was becoming a grave and serious problem throughout the world. Representative Frates asked that the committee give a "dopass" recommendation to his bill.

REPRESENTATIVE ANDERSON:

Does this bill as written cover all possible circumstances under which a bombing may occur?

MR. LARRY WINEBERG:

This language as written wouldn't cover the recent bombing in Helena; it didn't occur in a public place.

REPRESENTATIVE HOLMES:

I have a problem with this bill because of the mandatory sentence imposed, especially since they aren't allowed to participate in the parole or furlough program. I would like to see that provision stricken from the bill.

REPRESENTATIVE FRATES:

I feel that anyone who uses bombing as a means to destroy a person, place, or thing, has committed the most heinous crime against our society.

REPRESENTATIVE ROTH:

To address all areas, why not strike "operated by a common carrier" on line 16.

REPRESENTATIVE KEEDY:

The problem might be better addressed if you inserted "or private vehicle," on line 16.

REPRESENTATIVE ROTH:

The title would then have to be amended.

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE MEETING
April 11, 1979
Page 2

REPRESENTATIVE EUDAILY:

As written in Section 2, what if someone isn't killed? Would they still go to jail?

REPRESENTATIVE KEMMIS:

That section deals only with the death penalty.

REPRESENTATIVE LORY:

I agree with Representative Holmes about the ineligibility of parole and furlough as a bad clause in this bill. I feel that this bill should be amended on page 4, line 2 to state "may impose" rather than "shall impose" restrictions for parole and furlough.

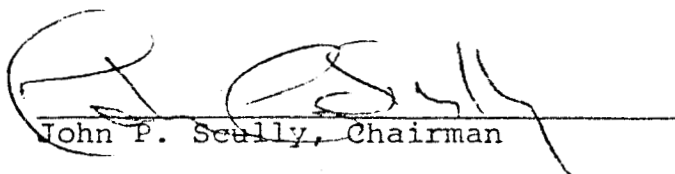
MR. LARRY WINEBERG:

If you take out the mandatory ineligibility clause, you will be leaving too much discretion with the court.

REPRESENTATIVE FRATES:

I want to deter these bombings!

The meeting adjourned at 1:25 p.m.


John P. Scally, Chairman

Wes Teague, Vice-chairman

JPS & WT:gr