

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 19, 1979

The forty-third meeting of the Senate Judiciary Committee was called to order on the above date in Room 331 of the Capitol Building at 9:20 a.m. by Senator Everett R. Lensink, Chairman.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE BILL 492:

Senator Stimatz gave an explanation of this bill which is an act to generally review the escheated property act. He introduced Mr. Dennis Dunphy, from the attorney general's office, who gave some information concerning this bill.

Fran Elge, representing the American Archives Association, stated that she has been a member of the bar since 1930 and she wished to offer an amendment to this bill. She stated that it is difficult to find heirs and that two years is unconscionable. She said that California has seven years for domestic and five for foreign, and that her amendment would lengthen this from two years to five years and she felt that it should be much longer than that.

There were no further proponents and no opponents.

Senator Stimatz said that he talked this over with the department and while they have no great objection to it, they have no enthusiasm; and he stated that whatever the committee would like to do would be satisfactory.

Senator Turnage asked how this would affect us; and Mr. Tom Stoll, from the Department of Revenue, stated that the division gets involved when an error is found and they have to determine the inheritance tax.

Senator Turnage stated that we have a bill in taxation that reverses this escheated estates. Mr. Dunphy said that he was involved in the drafting of these two bills and the one deals with unclaimed property and escheated estates. Senator Turnage asked if he would object to putting this bill into taxation.

Senator Towe stated that, at the present time, the sale was not to be conducted within two years, and now it must be in one year. Mr. Dunphy stated that that would have no affect on that and on page 5, line 8, where it states "unsold, tangible personal property" he wondered if one year was sufficient; and he said he was thinking of maybe some keepsake property has to be worked up, then what do we do with it, it should have been disposed of before probate.

Senator Towe asked Ms. Elge why did she pick five years. Ms. Elge stated that it is much better than two but she does prefer ten years, as heirs are pretty ignorant of probate.

Tom Stoll stated that an escheated estate fund remains in the fund for ten years and that this amendment would put it in for five years. Senator Towe asked of Ms. Elge if she had people come after five years, and Ms. Elge replied yes, she did.

Senator Turnage moved that this bill be moved to taxation committee. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 491:

Senator Turnage gave an explanation of this bill, which is an act to provide that courts not of record do not have jurisdiction over actions that might result in a judgment against the state for the payment of money.

There were no further proponents and no opponents.

Senator Van Valkenburg wondered if there was some particular case in which this came up. Senator Turnage stated that Francis Bardanouve brought it up and the department of administration has had some problems.

Senator Van Valkenburg wondered why the state should be treated any different than any other citizen. Senator Turnage stated that the state is always special and he moved that this bill do pass. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 495:

This bill is an act to eliminate the defense of mental disease of defect in criminal actions and to provide an alternative sentencing procedure to be followed when a convicted defendant is found to have been suffering from a mental disease or defect at the time of the commission of the offense of which he was convicted. Senator Towe said that he does not believe the public feels that a person suffering from mental disease or defect should be held accountable for any criminal conduct. He stated that it is difficult for a psychiatrist to deal with someone when the law says he is incapable of committing a crime, and he suggests that we find out if he did commit the crime and then let us find out about the mental defect. He stated that if a person raises this question at the beginning, then we never get to the trial of the crime. He further said that all too often, because of that reason alone, he is shuffled to Warm Springs and is forgotten there. He said that he may be spending a lot more time at Warm Springs than he would be if in prison.

Dr. Hewitt from the Mental Health Center in Billings, sent some information from Dr. Helferd of New York.

Tom Honzel, representing the Association of County Attorneys, stated that they do support this bill. He said they would suggest one amendment that would clean up the notice requirement that is in the present law.

There were no further proponents.

Mr. Nick Rotering, representing the Department of Institutions, stated that they felt the concept was a little premature in Montana and he felt that the bill does have merit, but not enough information from Warm Springs has been sought; and he would suggest that the committee consider the possibility of introducing a resolution so that an interim study could be undertaken; and he said that quite often the sentencing court is apprehensive about putting the person back into the community.

Rosemary Zion, representing a consortium of groups who did not want to be here because of Washington's Birthday holiday, stated that they have limited opposition to this bill. She stated that the concern of the DD/MAP group is that one of the forms of mental defect is mental retardation; and she felt that essentially in addressing a system that has some flaws in it, we may just create another system that has more flaws in it. She felt that there should be some time to consider their options and have the opinions of professionals in their fields. She further said that they are concerned because there is no way to state clearly what is meant by mental defect and disease and they are concerned that this might create some severe problems for the institutions. She said that any mental health facility is a treatment facility and is not a penal facility and that Warm Springs is not geared to be a place of incarceration for people who no longer need mental health services. She also wondered if the concept of parole would apply, she suspected that there would be fiscal consequences, and she suspected that if you give this kind of function to Warm Springs that you are going to have fiscal consequences. She stated that she would suggest that it would be useful to take a couple of years to take the best minds and try to come up with a proposal that would be acceptable to all these people, and they would strongly urge that the matter be handled in this way. She stated that Don Harr expressed considerable concern for Warm Springs being used as a correctional institution.

Senator Towe stated that he would suggest amendments on page 7, indicating that the individual could be released upon the request of the institution. He said at that point, the individual could

petition the original court for review of that matter and give authority to the judge on that question.

Senator Van Valkenburg stated that he thought it came about because the U.S. Supreme Court said that this is the way it is going to be, and he did not feel that this would stand up in court.

Senator O'Hara questioned what percentage of cases are pleaded not guilty by reasons of insanity. Mr. Rotering said that this prior fiscal year there were 115 evaluations based on that defense. He stated that the county pays for that evaluation.

Rosemary Zion said that the majority of times it doesn't work, but you can't blame a person for trying.

Senator Towe stated that he tends to think that the problems she has posed are not as overwhelming as she had indicated. He said that he did not think there was that much of a problem that would warrant a study, that the present situation is not realistic, and that we could work out the problems in the next two years.

CONSIDERATION OF SENATE BILL 519:

This is a bill to prohibit certain electioneering practices and to provide penalties. This bill was requested by the Senate Judiciary Committee and Senator Towe stated that we had repealed two sections in a recodification bill and gave an explanation of what this bill would do.

There were no further proponents and no opponents.

Joan Mayer from the Legislative Council stated that last session there were two house recodification bills on elections and in one bill, instead of cleaning up the language, a lot of sections were repealed.

Senator Towe said that if you speak to someone on election day and try to get them to vote for someone, you are committing a crime under this bill. He said that he did not have much feeling for section 1, but he did feel strongly about section 2.

Senator Towe moved that on page 1, line 9, that the bill be amended after the word "for" by striking the remainder of line 9 through "people" on line 14 and inserting "any person or any political candidate to place an advertisement supporting or opposing a candidate or a ballot issue for use on election day only". The motion carried unanimously.

Senator Towe moved that the bill do pass as amended. The motion carried with Senators Galt and Anderson voting no.

CONSIDERATION OF SENATE BILL 511:

This is a bill to provide for the registration and protection of trademarks and service marks, to provide for renewal and assignment of such marks, etc. Senator Turnage introduced Leonard Larson, Chief Deputy of the Secretary of State's office, who gave some information on this bill.

He stated that this was patterned about the model trademark bill, and it is effective in forty states in the United States and that Montana presently has a trademark act, and he pointed out the differences in these two bills.

There were no further proponents and no opponents.

Senator Lensink questioned if there was any mechanism whereby they could inform people at the end of ten years; and Mr. Larson answered yes, there is and this would require notification that their trademark will elapse unless renewed. He stated that they have registrations from 1889 and they have many abandoned trademarks and this denies a person the right to that registration.

Senator Olson questioned if trademarks can be bought and sold and Mr. Larson stated yes, they are considered personal property.

Senator Turnage moved that this bill do pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 495:

Senator Towe moved that this bill be amended on page 7, line 17, following this line, by inserting "(4) A defendant whose disposition or sentence does not allow for conditional release by the professional person in charge of the institution, as provided in subsection (3), may petition the sentencing court for review of the sentence if the professional person certifies that the defendant has been cured of the mental disease or defect. The sentencing court may make any order not inconsistent with its original sentencing authority except that the length of confinement or supervision may not be increased. The professional person shall review the defendant's status each year." The motion carried, with Senator Van Valkenburg voting no.

Senator Towe moved that this bill do pass as amended.

Senator Turnage stated that there will never be another criminal trial in the State of Montana. Senator Lensink stated that he was going to vote against this because he thought Mrs. Zion and Mr. Rotering had excellent reasons for opposing this.

Senator Towe said that the mental illness or defect would affect the sentence and not the conviction; find out whether the guy did it or did not do it; and then because of the mental disease he should not be treated the same way. There was some further comments and a roll call vote as taken on the motion to do pass, as amended. The motion carried, with seven voting yes and three voting no. (See roll call vote.)

DISPOSITION OF SENATE BILL 386:

Senator Brown moved that the bill be amended as follows: on page 1, line 6, after "judges" insert "in civil matters"; on page 1, line 6, after "rule" insert "with amendments;" on page 1, line 13, after "judges" insert "in civil acts, and procedures"; on page 1, line 21, after "party" insert "or a lawyer representing a party"; on page 1, line 23, after "he" strike "served as a lawyer" and insert "represented a party involved"; on page 1, line 25, following "as" strike "a lawyer" and insert "counsel for a party involved"; on page 2, line 2, strike "concerning it" insert "on behalf of a party in any prior proceeding"; and on page 2, line 3, insert "(c) he has made statements publicly or privately prejudging any issue in controversy prior to the submission of all evidence concerning that issue" and renumber appropriately.

Senator Brown stated that this would leave the pre-emptory challenge in criminal matters. Senator Towe stated that he would be willing to listen to it in criminal matters. There was some discussion on this and Senator Brown moved the amendments he offered in connection with section 2 of the bill. The motion carried unanimously.

Senator O'Hara moved that this bill do pass as amended. The motion carried by a vote of eight yeases and two noes. (See roll call vote.)

RECONSIDERATION OF ACTION ON SENATE BILL 420:

Senator Towe stated that this bill was tabled and that this was the antitrust bill. He recommended that section 6 could be stricken, as amended, subsection (2), section 5 and have penalty changed to provide for misdemeanor rather than a felony and there would be no minimum with the maximum blank.

DISPOSITION OF SENATE BILL 132:

Joan Mayer from the Legislative Council offered some suggested amendments. Senator Towe moved that this bill be removed from the table for further action. The motion carried unanimously. Senator Towe moved adoption of the amendments. The motion carried unanimously. Senator Towe moved that the bill do pass, as amended. The motion carried with Senators O'Hara, Lensink and Galt voting no.

Senator Turnage moved that they reconsider their action and he moved that 1/2 of 1 per cent be inserted in lieu of 1 per cent. The motion carried unanimously. Senator Turnage moved that the bill do pass as amended. The motion carried unanimously.

RECONSIDERATION OF SENATE BILL NO. 271:

A statement of intent was presented to the committee. Senator Towe moved adoption of the statement of intent. The motion carried unanimously.

There being no further business, the meeting was adjourned at 11:39 a.m.

Everett R. Lensink

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date Mar. 2/14/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

1. Page 7, ~~lines 17-19~~

Following: ~~lines 17-19~~ lines 17

Insert: "(4) Any defendant whose disposition or sentence does not allow for conditional release by the professional person in charge of the institution, ^{as provided in subsection (3),} may petition the sentencing court for review of the sentence ~~upon certification~~ ^{certifies} if the professional person certifies that the defendant has been cured of the mental disease or defect. The sentencing court may make any order not inconsistent with ~~its~~ original sentencing authority ~~of~~ ~~the~~ ~~court~~ except that the length of confinement or supervision may not be increased. ~~The defendant is entitled to have his status reviewed each year by~~ The professional person shall review the defendant's status each year.

SB 132

1. Title, line 4.
Following: "RECOUNT"
Insert: "IN CERTAIN
CIRCUMSTANCES"

2. Title, lines 6 and 7.
Strike: "; REPEALING
SECTIONS 13-16-301
THROUGH 13-16-307, HCA

3. Page 1, line 11.
Following: "(1)"
Strike: "an unsuccessful"
Insert: "If a"

4. Page 1, line 12.
Following: "office"
Insert: "is defeated by a margin not exceeding $\frac{1}{2}$ of
the total votes cast for all candidates for the same
position, he"

5. Page 1, line 14.
Following: line 13
Strike: "the candidate's"
Insert: "his"

6. Page 1, line 20.
Following: "recount"
Insert: "incurred by each county in which a recount
sought, including loss of time of regular employees
caused by absence from their regular duties."

7. Page 1, line 23.
Strike: "as"

8. Page 1, line 25 and line 1 on page 2.

SB 386

1. Title, line 6.

Following: "ADOPT"

Insert: "A MODIFIED VERSION OF"

2. Page 1, line 21.

Following: "party"

Insert: "or a lawyer representing a party."

3. Page 1, line 23.

Following: "he"

Strike: "served as a lawyer"

Insert: "represented a party involved"

4. Page 1, line 25.

Following: "as"

Strike: "a lawyer"

Insert: "counsel for a party involved"

5. Page 2, line 2.

Following: ~~line 1~~

Strike: "concerning it"

~~Insert: "on behalf of a party in any prior proceeding"~~

Insert: "on behalf of ~~the~~ a party in any prior proceeding"

6. Page 2, ~~line 2~~

Following: line 2

Insert: "(c) he has made statements, publicly or privately, prejudging any issue in controversy prior to the submission of all evidence concerning that issue;"

Remember: ~~the~~ subsequent subsection accordingly

SB 519

1. Page 1, lines 9 through 14.

Following: "person" on line 9

Strike: remainder of line 9 through "people" on line 1

Insert: "or a political committee to place an advertisement supporting or opposing a candidate or a ballot issue for use on election day" only "

(el 43)

SB 519

1. Page 1, lines 9 through 14.

Following: "person" on line 9

Strike: remainder of line 9 through "people" on line 10

Insert: "or a political committee to place an advertisement supporting or opposing a candidate or a ballot issue for use on election day" only "

(4143)

Return to Lisa

Senate Bill No. 271, introduced copy is amended as

follows:

1. Page 2, line 18.
Following: "(4)"
Insert: "(a)"
2. Page 3, ~~line 1~~.
Following: ~~line 1~~ *line 2*
Insert: "(b) Criminal history record information
← does not include:
 (i) records of traffic offenses main-
← tained by the division of motor vehicles,
← ~~with the~~ department of justice; or
 (ii) court records."
3. Page 4, line 20.
Following: "(10)"
Insert: "(a)"
4. Page 4, lines 21 ~~through~~ *and* 22.
Strike: "to determine guilt or innocence"
5. Page 4, line 23 through line 2 on page 5.
Following: "termination" on line 23
Strike: line 23 through "postponement."
remainder of on line 2, page 5
Insert: " or information relating to
← sentencing, correctional supervision, release
← from correctional supervision, the outcome
← of appellate or collateral review of criminal
← proceedings, or executive clemency. Criminal
← proceedings have terminated if a decision
← has been made not to bring charges or
← criminal proceedings have been concluded,
← abandoned, or indefinitely postponed. ~~or~~
 (b) "
6. Page 5, line 4.
Following: line 3
Strike: "(a)"
Insert: "(i)"
Re-number: subsequent subsections accordingly
7. Page 6, ~~line 1~~ *line 1*
Following: ~~line 1~~ *line 1*
Insert: "(c) A single arrest of an individual may
← result in more than one disposition."

~~PAGE 8, line 25.
Following: "for"
Insert: "a"~~

8. Page 8, line 25.
Following: "for"
Insert: "a"

~~Insert: offense of the individual
offense of the individual~~

✓
Following: "game"

9. Page 9, line 1.
Strike: "offenses"
Insert: "offense"

10. Page 9, lines 10 through 12.
Following: "inform the" on line 10
Strike: ^{revised} line 10 through line 12 in its entirety
Insert: "originating agency. If it is determined
that the individual has a criminal record,
← the state repository shall send the originating
agency a copy of the individual's complete
criminal history record."

✓
11. Page 10, line 2.
Following: "rosters"
Strike: "shall"
Insert: "may"

✓
Following: line 17

12. Page 10, lines 18 through 23.
Strike: subsection (2) in its entirety
Insert: "(2) dispositions resulting from formal
proceedings in a court having jurisdiction
in a criminal action against an individual
who has been photographed and fingerprinted
under [section 6] shall be reported to the
← originating agency and the state repository
within 15 days. If the dispositions can
readily be collected and reported through
the court system, the dispositions may be
submitted to the state repository by the
administrative office of the courts;"

✓
13. Page 10, lines 24 ^{and} ~~24~~ 25.
Following: "(3)" on line 24
Strike: "criminal justice agencies authorized
← under [section 6]"
Insert: "an originating agency"

14. Page 10, line 25.
Following: "repository"
Insert: "within 30 days"

- ✓ 15. Page 11, line 1.
Strike: "arrests, proceedings, and"
- ✓ 16. Page 11, lines 1 through 3.
Following: "dispositions" on line 1
Strike: ^{remainder of} line 1 through line 3 in its entirety
Insert: "concerning the termination of criminal proceedings against an individual who has been photographed and fingerprinted under [section 6];"
- ✓ 17. Page 11, line 5.
Following: "repository"
Insert: "within 30 days"
Following: "all"
Strike: "changes in custodial status"
Insert: "dispositions"
- ✓ 18. Page 11, line 6.
Following: "conviction"
Strike: "within 30 days of such changes"
Insert: "of an individual who has been photographed and fingerprinted under [section 6]"
- ✓ 19. Page 11, line 22.
Following: "shall"
Strike: "promulgate"
Insert: "adopt"
Following: "rules"
Insert: "for criminal justice agencies other than those that are part of the judicial branch of government"
- ✓ 20. Page 11, line 23.
Following: "section."
Insert: "The department of justice may adopt rules for the same purpose for the judicial branch of government if the ~~Montana~~ Supreme Court consents to the rules."
- ✓ 21. Page 12, line 17.
Following: "is"
Strike: "required"
Insert: "authorized"
- ✓ 22. Page 12, line 24.
Following: "record information"
Insert: "that is not public criminal justice information"

- ✓ 23. Page 13, line 1.
Following: "agencies"
Strike: "except"
Insert: "unless:
(a) the information is disseminated"
- ✓ 24. Page 13, lines 3 ^{and} ~~through~~ 4.
Following: "20]" on line 3
Strike: ^{remainder of} line 3 through line 4 in its entirety
Insert: " ;
(b) a district court considers dissemination necessary;
(c) the information is disseminated in compliance with [section 13]; or
(d) the agency receiving the information is authorized by law to receive it."
- ✓ 25. Page 16, line 5.
Following: "data"
Strike: "imput"
Insert: "input"
- ✓ 26. Page 18, lines 4 ^{and} ~~through~~ 5.
Strike: "or transfer to any other person"
- ✓ 27. Page 18, line 6.
Following: "individual"
Insert: "or transfer copies of that information to any other person"
- ✓ 28. Page 18, line 18.
Following: "of"
Insert: "copies of"
- ✓ 29. Page 18, line 23.
Following: "transfer"
Insert: "of copies ~~of that information~~"

substitute
or separate
sheet

30. Page 21, line 14.
Following: "criminal"
Strike: "justice"
Insert: "history record"
Following: "information"
Strike: ", "

Senate Bill No. 271, introduced copy, is amended
as follows:

30. Page 21, lines 14 ^{and} ~~through~~ 15.
Following: "(3)" on line 14
Strike: ^{remainder of} line 14 through "agencies" on line 15
Insert: " conduct audits of the criminal history
record information systems of a representative
sample of state and local criminal justice
agencies chosen annually on a random basis

SENATE COMMITTEE JUDICIARY

Date _____ Bill No. 495 Time 11:03

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)		✓
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)	✓	✓
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)		✓
Healy, John E. (Jack) (D)	✓	
	7	3

Alvin Ramsey
Secretary

Everett R. Lensink et al
Chairman

Motion: As passed and amended

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date _____ Bill No. 382 Time 11:16

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)	✓	
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)		✓
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)		✓
Healy, John E. (Jack) (D)	✓	
	4	2

Alfred [Signature]
Secretary

Everett R. Lensink
Chairman

Motion: De prae [Signature]

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 19, 1979

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 132

Respectfully report as follows: That Senate Bill No. 132, introduced bill, be amended to read as follows:

1. Title, line 4.
Following: "RECOUNT"
Insert: "IN CERTAIN CIRCUMSTANCES"
2. Title, lines 6 and 7.
Strike: "; REPEALING SECTIONS 13-16-301 THROUGH 13-16-307, MCA"
3. Page 1, line 11.
Following: "(1)"
Strike: "An unsuccessful"
Insert: "If a"
4. Page 1, line 12.
Following: "office"
Insert: "is defeated by a margin not exceeding 1/2 of 1% of the total votes cast for all candidates for the same position, he"
5. Page 1, line 14.
~~DEPASS~~ Following: line 13
Strike: "the candidate's"
Insert: "his"

(continued)

6. Page 1, line 20.

Following: "recount"

Insert: "incurred by each county in which a recount is sought,
including loss of time of regular employees caused by absence
from their regular duties"

7. Page 1, line 23.

Strike: "as"

8. Page 1, line 25 and line 1 on page 2.

Strike: section 2 in its entirety

And, as so amended,
DO PASS

m/c

STANDING COMMITTEE REPORT

February 19 19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 306

Respectfully report as follows: That Senate Bill No. 336,

introduced bill, be amended as follows:

1. Title, line 6.

Following: "ADOPT"

Insert: "A MODIFIED VERSION OF"

2. Page 1, line 21.

Following: "party"

Insert: "or a lawyer representing a party"

3. Page 1, line 23.

Following: "he"

Strike: "served as a lawyer"

Insert: "represented a party involved"

DO-PASS

(Continued)

4. Page 1, line 25.

Following: "as"

Strike: "a lawyer"

Insert: "counsel for a party involved"

5. Page 2, line 2.

Following: line 1

Strike: "concerning it"

Insert: "on behalf of a party in any prior proceeding"

6. Page 2.

Following: line 2

Insert: "(c) he has made statements, publicly or privately, prejudging any issue in controversy prior to the submission of all evidence concerning that issue;"

Renumber: subsequent subsections

And, as so amended,
DO PASS

STANDING COMMITTEE REPORT

.....February 19..... 19 79.....

MR.President:.....

We, your committee onJudiciary.....

having had under considerationSenate..... Bill No. 491.....

Respectfully report as follows: That.....Senate..... Bill No. 491.....

DO PASS

STANDING COMMITTEE REPORT

February 19, 19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 495

Respectfully report as follows: That Senate Bill No. 495, introduced bill, be amended to read as follows:

1. Page 7.

Following: line 17

Insert: "(4) A defendant whose disposition or sentence does not allow for conditional release by the professional person in charge of the institution, as provided in subsection (3), may petition the sentencing court for review of the sentence if the professional person certifies that the defendant has been cured of the mental disease or defect. The sentencing court may make any order not inconsistent with its original sentencing authority except that the length of confinement or supervision may not be increased. The professional person shall review the defendant's status each year.

And, as so amended
DO PASS

STANDING COMMITTEE REPORT

.....February 13,..... 19 73.....

MR.President:.....

We, your committee on.....Judiciary.....

having had under considerationSenate..... Bill No.511.....

Respectfully report as follows: That.....Senate..... Bill No.511.....

DO PASS



STANDING COMMITTEE REPORT

February 12, 1979

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 512

Respectfully report as follows: That Senate Bill No. 512, introduced bill, be amended as follows:

1. Page 1, lines 9 through 14.
Following: "person" on line 9
Strike: remainder of line 9 through "people" on line 14
Insert: "or a political committee to place an advertisement supporting or opposing a candidate or a ballot issue for use on election day only"

And, as so amended,
DO PASS

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