

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
January 21, 1981

The meeting of the House Judiciary Committee was called to order at 8:00 a.m. by Chairman Kerry Keyser, presiding. All committee members were present except Rep. Teague, who was excused. Jim Lear, Legislative Council, was present.

HOUSE BILL 176 REP. YARDLEY, chief sponsor of the bill, informed the committee House Bill 176 would amend the current criminal provisions to make ownership of antique slot machines legal. YARDLEY noted slot machines that are 25 years old or older are not really used for gambling purposes. YARDLEY passed out to committee members information showing that states have laws making slot machines legal. EXHIBIT 1 If the date on the bill specified the slot machines were to be prior to 1950 it would eliminate ownership of slot machines used in gambling places now.

There were no other proponents.

There were no opponents.

In closing, YARDLEY stated law enforcement agencies expressed support for this bill. Unfortunately, they did not make it to the meeting to testify.

REP. BENNETT questioned if any thought was given to other types of antique gambling items such as roulette wheels. YARDLEY replied he had not thought of that but it might be something the committee would want to consider.

There was no further discussion on House Bill 176.

HOUSE BILL 159 Chief sponsor, REP. ELLERD, noted rural fire fighters are in favor of this bill. ELLERD stated the only change is on line 13 and 14 adding "or other property".

BOB KELLY, State Fire Marshal, stated the law at one time expressed vehicles were classified as occupied structures. This included cars, trains, airplanes, and farm vehicles. Currently these types of vehicles are not included in present law. Last year there were 857 automobile fires. Arson constitutes 20.85% of all fires.

ART KORN, Montana Staff of Volunteer Fire Association, noted the Montana State Firemen's Convention approved this bill. KORN hopes the committee will pass it.

JOHN W. MCCRASSAN, Gallatin County Fire Marshal, hopes this bill will help the prosecution in working with arson.

DAVE FISHER, Montana Volunteer Fire Association, supports this bill.

JAMES BALKE, President of Gallatin County Fire Council, supports the change. It is needed for the past as well as the future.

In closing, REP. ELLERD gave the committee a letter from the Attorney General's office, a telegram from Don Ranstrom, Blaine County Attorney, and a letter from Charles A. Graveley, Lewis and Clark County Attorney, supporting this bill. EXHIBITS 2, 3, and 4 respectively.

REP. EUDAILY questioned the insert of "or other property" asking how broad that was. KELLY replied it would be quite broad but the term "occupied structure" takes in dwellings. EUDAILY asked if someone burns a haystack or a kid's playhouse how the bill would effect that. KELLY replied those types of things are usually criminal mischief. If it was a large amount of hay that was burned it would probably be called arson because of the money lost. It was stated that negligent arson is a misdemeanor and arson is a felony. If \$150 worth of property or more is damaged, it falls into arson, which would be a felony.

REP. HUENNEKENS asked if that would include real property such as timber or grass. KELLY replied grass land fires would be in the same catagory as haystacks.

REP. IVERSON noted the letter from the Lewis & Clark attorney mentions increased penalty. KELLY replied that it is the intent when you move from negligent arson to arson, it is a felony. You could not have a misdemeanor under the arson law.

REP. KEYSER asked the sponsor that if in the discussion with the Attorney General's office did the language in the bill concur with what they want. KELLY stated the Attorney General's office feels comfortable with the language. The Attorney General's office does see the problem but does not oppose it.

EUDAILY inquired if the sponsor would object to a more definite definition of the term "other property". ELLERD did not have any objection. MCCRASSAN stated in section 45-2-101, MCA, there is a list of definitions used in criminal cases. Subsection 34 defines "occupied structure". Subsection 48 defines property as anything of value.

EUDAILY questioned if there should be a reference to 45-2-101. JIM LEAR stated it would not be necessary.

REP. HUENNEKENS stated House Bill 10 placed a penalty of 10 years on arson. REP. ELLERD stated the penalty for arson is 20 years. Negligent arson is a penalty of 10 years. The term "occupied structure" before did include all those items. Following a supreme court decision the sponsor found it necessary to add the term occupied structure. The case referred to is State vs. Bashor, 37 ST REP 1098 (1980).

There was no further discussion on House Bill 159.

HOUSE BILL 205 Chief sponsor, REP. KEEDY, stated this bill deals with the question of spousal privilege. It is an attempt to change present statute that precludes the spouse to go against the other spouse unless the defendant spouse consents. If this bill is enacted, the witness would not be compelled to testify but would also not be stopped from testifying. The old argument for this bill was that a woman had no view of her own; her husband's view was also her view. The modern argument is the preserving of marital harmony. KEEDY does not believe this argument is persuasive. In the case where the wife wanted to testify against the husband there is probably no harmony anyway. The rule as it stands now frustrates the Department of Justice.

TOM HONZEL, County Attorneys Association, is in support of this bill. HONZEL personally feels the whole privilege should be repealed. It makes no sense in this day and age to hang on to the privilege as the way it is developed. The privilege should be the witness's and not the defendant's as to whether the witness will or will not testify. HONZEL stated two cases; one case involved prostitution in Missoula where the defendant married the girl before the case came to court. The other case was in Texas where a man was charged with murder. The only witness was the man's girlfriend. The man stated he hoped he could marry her before the case came up. HONZEL stated it does not make sense to keep this type of law on the books.

There were no further proponents.

There were no opponents.

REP. KEEDY, in closing, stated there was a need for change.

YARDLEY questioned if the cases mentioned are true if the law would really make a difference. HONZEL replied he didn't really know. There is always the possibility that the person would or would not testify. His preference is to repeal the whole thing.

BROWN inquired why not repeal the whole thing. KEEDY stated that was a temptation. Legal reasons where it would apply against the witness spouse to testify is reason for keeping the law. This may help preserve marital harmony.

There was no further discussion on House Bill 205.

HOUSE BILL 207 REP. KEEDY, chief sponsor, stated this bill amplifies what is meant by "convicted". If an offender is designated as dangerous he is eligible for parole after serving 1/2 of the sentence. The offender is entitled to a designation of nondangerous if he was neither convicted of nor incarcerated for an offense during the preceding five years. The word convicted takes on special importance.

KEEDY noted a case where a man pleaded guilty to two counts of burglary. The man escaped before the court entered the plea in the books. During that time the man committed another burglary. The district court labeled the man as a dangerous offender. The supreme court reversed the decision to non-dangerous offender because there was no prior conviction on the books. KEEDY stated this showed the narrow-mindedness of the court. This bill is necessary to make it clear what the legislature had in mind for prior felonies.

There were no further proponents.

There were no opponents.

There were no questions asked by committee members.

HOUSE BILL 208 Chief sponsor REP. KEEDY noted line 12 on page 1 of the bill adds to the list of statutes "45-5-502", which is sexual assault. "Without consent" is defined in section 45-5-501. Subsection (1), concerning without consent, has been changed because of the narrow language currently in the law dealing with rape and sexual assault. In order to establish there was no consent it is appropriate to consider that just because there was no physical force to stop the action does not mean the victim did not suffer mental anguish. The absence of physical resistance should not be construed as consent. KEEDY noted the defense in a case can have a real field day in cross-examining a victim as to whether or not she had given consent. It is very demeaning for the victim to go through.

TOM HONZEL, County Attorneys Association, feels the definition of consent should be applied uniformly throughout the criminal code. At present the definition does not apply to 45-5-502. HONZEL feels this has been a problem ever since the new criminal code came into effect. Sexual assault comes up in child molesting cases. In 1979 there was an amendment for a type of consent provision. The sexual assault statute refers to contact that is done without consent. When someone is under the age of 14 and the other person is three years older, you really can't have consent.

HONZEL stated the second change in the bill is necessary because people are beginning to realize there is a physical intimidation to submit.

KAREN TOWNSEND, Attorney General Staff Attorney, is in support of the two amendments to the bill. TOWNSEND stated one of her past jobs in Missoula was prosecuting rape and sexual assault cases. One example involved a 17 year old girl and an Army recruiter. The recruiter had developed a rapport and was trying to assist the

recruit. The recruiter made her come to the office after hours and to his home to show her his medals. Intercourse was performed at the army recruit station. In her statement she had to state that he did not beat or choke her. She was not willing to consent but because of his helping her she felt obligated to perform the act. After this case was announced, TOWNSEND stated three other young women wrote letters to her office stating the same situation happened to each of them at the recruit station. TOWNSEND struggled in her defense of the girl as to what was "consent". The final verdict was a plea of guilty with a deferred sentence. This statute would apply to that. TOWNSEND said a number of studies are being done on the subject of consent. One study shows 60% of the people are not using actual physical force but psychological force.

There were no other proponents.

Opponent MIKE MELOY, Montana Trial Lawyers Association, stated one of the reasons for changing without consent is to include it within the statute of sexual assault. Sexual assault is the touching of somebody. Sexual contact without offense is the touching of private parts but not actual intercourse unless the person is less than 16 years old and the other person is three years older. This is a type of child molestation. There had been a problem in the past where the little boy or girl agreed to let the person touch them. Consent is ineffective unless the person is more than 14 years old. MELOY feels it is not necessary to add 45-5-402. It would be making criminals out of 15 year olds having sexual contact not intercourse. The victim would be unable to consent because she was less than 15 years old.

In closing, KEEDY stated the problem with the language "not a willing participant" modifies "a recipient". KEEDY would not have any objection in changing that. Sexual consent is not always a willing participant. There are many examples where there is no physical harm but there is fear of humiliation. There may be a case where a woman is afraid of being fired. This definition is conclusive to cover situations where there is the use of force.

REP. EUDAILY asked how much leniency would that allow lawyers if "willing participant" was used. KEEDY replied consent or lack of consent should be the jury's determination.

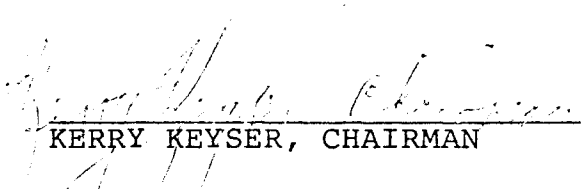
REP. YARDLEY asked if TOWNSEND was familiar with any other states that use this type of language. TOWNSEND stated she could not think of any off hand. Many papers have been written on what was consent. There is an extreme difficulty in determining the definition.

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REP. BENNETT asked about the wording "force" stating wouldn't that be included as physical intimidation. KEEDY replied that as it is now stated, force only means actually forcing someone to do something. A judge or jury would interpret force as actual force and not as physical intimidation.

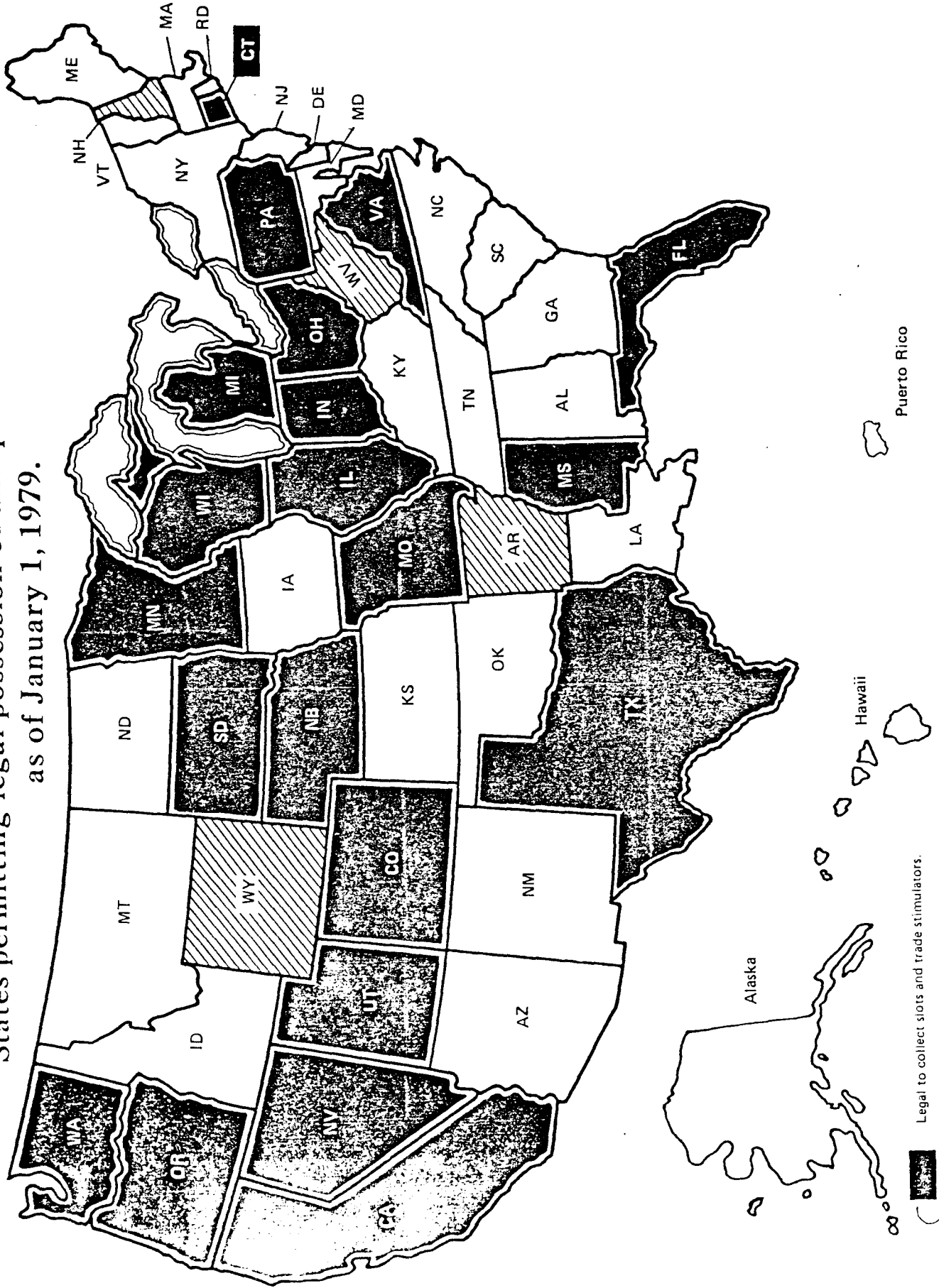
There were no further questions or discussion on House Bill 208.

The meeting adjourned at 9:35 a.m.


KERRY KEYSER, CHAIRMAN

mr

States permitting legal possession of antique slot machines as of January 1, 1979.



Legal to collect slots and trade stimulators.

Legal to collect trade stimulators and not payout slot machines only.

as of 1/1/79 - 30 total states allow collecting antique slot machines

A Model Bill for Your State

STATE OF (Your State Here)

PROPOSED ACT to amend the penal law, in relation of a defense in a prosecution for possession of certain gambling devices.

The People of the State of (Your State Here), represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is hereby amended by adding thereto a new section to read as follows:

Possession of a gambling device; defense.

1. In any prosecution for possession of a gambling device, it is a defense that the slot machine possessed by the defendant was neither used nor intended to be used in the operation or promotion of unlawful gambling activity or enterprise and that such slot machine is an antique. For purposes of this section a slot machine manufactured twenty-five years ago or earlier is conclusive proof that such slot machine is an antique.

2. Where a defendant raises the defense provided herein, any slot machine seized from the defendant shall not be destroyed, or otherwise altered until a final court determination is rendered. In a final court determination rendered in favor of said defendant, such slot machine shall be returned, forthwith, to said defendant, notwithstanding any provisions of law to the contrary.

Section 2. This act shall take effect immediately.

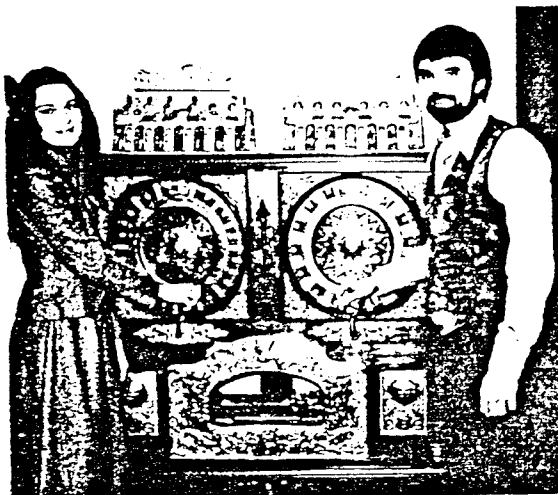
Precedent:

Similar laws have been recently passed by the states of California and Texas (1976), Washington, Oregon and Missouri (1977), Florida, Pennsylvania, Wisconsin, and Illinois (1978) with similar legislation now being proposed for numerous states across the country.

And Now, To The Machines

That's enough of the legal mumbo-jumbo. It means a lot to the collectors in iffy or illegal states, and we're all probably interested in how the legal changes come about for those of us in legal states. Yet the whole purpose of all of this is to collect, admire, buy, sell, trade and profit from the machines themselves, so let's get to the interesting part.

This volume adds an additional 100 automatic payout slot machines to the first batch covered in volume one. The format is the same, as are the classifications and pricing; both volumes are therefore comparable and future volumes will also follow the same pattern. To keep things simple each machine is priced according to six descriptive classifications as follows:



Becky Brown and Allan Pall both have a handle on a Big Time collectible, the Caille MUSICAL ECLIPSE TWIN.

A lot of fine machines came out just after WW II. So 25 Yr. date better.

Incomplete

Non-working, missing parts, missing display wheel or glass, rough or virtually destroyed cabinet. Requires complete restoration.

Rough

Rough, well-worn, worn off paint, broken parts or glass, but just about everything there.

Fair

Can be made ready to play with minor adjustment, with general appearance poor to fair.

Good

Ready to play but needs some work, particularly on appearance.

Excellent

Brand new or mint condition with some wear acceptable.

Restored

Rebuilt and tuned up to mint or even better than original condition.

With all that behind us we'll get to the machines--so here they are; the second hundred most collectible slot machines including machines that are considerably older and considerably newer than those in volume one.

Slot machine blues

Law separates collector from his collection of one-arm bandi

By RICHARD ECKE
Tribune Staff Writer

Antique dealer Gregg Nickol has the slot machine blues.

Great Falls police gave him the blues this week when they seized two antique slot machines he was shipping to Texas. They said such possession is illegal.

"I'm not a criminal," Nickol says.

To back up his argument, Nickol claims:

- A sheriff's deputy from northcentral Montana sold him the two slot machines this week.
- Scores of Great Falls residents, including a number of prominent ones, keep them in their homes.
- A sheriff's department in the region keeps a slot machine in the basement of the sheriff's office.
- Museum owners display them openly around the state.

Great Falls police say they're not buying Nickol's arguments. They say it's always been their policy to seize slot machines if they come across them. If the law's not enforced in other

parts of the state, that's not their problem.

They also say they'll be glad to arrest Nickol if he comes to Great Falls to claim the two antique slot machines — a 5-cent Mills worth about \$1,200 and a 50-cent Watling Rol-A-Top worth perhaps several thousand dollars.

Nickol told his story in an interview at the Tribune Wednesday. He declined to disclose where he was staying.

A Montana native who runs an antique shop near Wichita, Kan., he said he bought two antique slot machines in Northcentral Montana Tuesday and was having them shipped to Texas when police seized them at the Great Falls International Airport.

He calls the seizure "unfair."

Up to this week, Nickol claims, he was led to believe it was legal in Montana to possess antique slot machines that aren't used for gambling purposes.

Nickol says he first came to Montana in a hunt for antique slot machines last year, and he says he took pains to find out whether it's legal to possess antique "one-armed bandits." In fact, he

says, he went straight to the law.

For one thing, he says a representative of the Montana attorney general's office told him that possession of antique slot machines in the state is legal if they're not used for gambling. (A spokesman for the attorney general's office was not available for comment.)

For another, he claims a city police officer told him last year that possession of antique slot machines was legal.

"Captain (Timothy) Skinner told me that the laws did not apply to antique slot machines," Nickol contends.

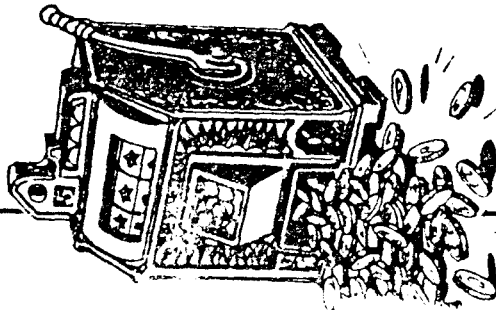
"I did not tell him that," Skinner replies. "I told him it was illegal."

Another policeman who attended the meeting verified Skinner's version of the conversation.

In any case, Nickol raises three issues that res at the core of the Great Slot Machine Controversy

First, is it legal to possess an antique slot machine that's not being used for gambling purposes? Second, is the law being enforced? Third, should the law be changed if such

Continued on 2-A, col. 1



This report is Approx 1 1/2 yr old

SPECIAL REPORT

"Legal States"

For Slot Machine Collectors

If you've been in the slot machine collecting game for more than a week you probably already know what the laws in your state have to say about the subject. As a potential slot machine collector, the first thing you need to know is whether you reside in an illegal or legal state. This one fact will form the basis for your collection, if you intend to have a collection.

The obvious answer is this: If you live in an illegal state, don't buy a slot machine. This particular answer, however, seems very arbitrary and extremely un-American. After all, the slot machine is an American invention, and it should be possible for any American to own, buy, sell, trade or display their treasured piece of Americana with collectors from other states. This happens to be a country where the laws are intended to serve the people. But remember, many of these laws were made a long time ago, and laws have an unpleasant aspect—they stay on the books until someone takes them off. Removing laws from the books is much more difficult than it sounds.

What is a legal state? Although the laws vary, the basic law of all states is that the machines be used for collecting purposes only, and that they not be used for gambling. Other additions to the various laws also define an antique slot machine. In some states, such as California, this definition is any machine manufactured prior to 1941; at the same time, however, the California law does not specify that those manufactured after 1941 are illegal! In other states, such as Illinois, there is a 25-year law; in other words, any slot machine manufactured over 25-years ago is considered an antique. In reality, however, many machines manufactured only ten years ago have been considered by many courts to be antiques since they were part of a historic collection and were not used for gambling purposes. The mere fact that these mechanical and electromechanical slot machines are no longer manufactured makes them antiques. In most states, the only reference to slot machines is in the criminal code and is classified under gambling. These laws were not originally directed at private ownership of the machines. They were

intended to control or wipe out professional crime and illegal gambling. Not all states had laws such as this. You may, in fact, live in a state that permits the collecting of slot machines and not even know it since, in many cases, the laws are not clearly defined. On the other hand, in many states possession alone can be an offense.

Let's get down to specifics. The states listed here are, to the best of our knowledge, legal for the collection of antique slot machines provided they are not used for gambling purposes. For absolute protection, you are advised to contact the Secretary of State of your state for specific wording of your state's laws.

California Any machine manufactured prior to 1941 is presumed to be an antique.

Colorado Any machine manufactured prior to 1950 is presumed to be an antique.

Connecticut The laws presently apply to gambling but are not clearly defined. Possession alone does not seem to be an offense.

Florida Any machine manufactured prior to 1941 is presumed to be an antique.

Illinois Any machine manufactured 25-years ago or earlier is presumed to be an antique.

Kansas A favorable bill has passed the House Committee and went to the Senate Committee. Full details are not yet known.

Maine Late information seems to indicate antique slot machines are legal. Details are not completely known.

Michigan Existing laws seem to allow antique slot machines of any year of manufacture. Possession alone does not seem to be an offense.

Minnesota Existing laws permit private ownership of antique slot machines of any year of manufacture.

Mississippi Test cases have established the right to own slot machines provided they are used for amusement and not for profit.

Missouri Any machine over 30-years old is presumed to be an antique.

Nebraska Although the law states possession alone is an offense, it further indicates that the offense is based on possession or transactions in any gambling device knowing that it shall be used in the advancement of

unlawful gambling activity.

Nevada Existing laws permit private ownership of slot machines of any vintage provided they are used for amusement and not profit. A license from the Nevada Gaming Commission is required for selling or distributing. Since gambling is legal in Nevada, the laws are clearly defined for all types gambling activity and the manufacture, sale and distribution of the physical tools of the business—poker chips to roulette wheels.

New Hampshire Any machine manufactured prior to 1941 is presumed to be an antique.

New Jersey This law, with a 20-year old clause, is reported to have just passed. Complete details are not yet known.

New York Any machine manufactured prior to 1941 is presumed to be an antique.

Ohio Present laws allow slot machines of any vintage but forbid anyone to acquire, possess, control or operate a slot machine for profit.

Oregon Any machine manufactured prior to 1941 is presumed to be an antique.

Pennsylvania Any machine manufactured prior to 1941 is presumed to be an antique.

South Dakota Any machine manufactured prior to 1941 is presumed to be an antique.

Texas Any machine manufactured prior to 1940 is presumed to be an antique.

Utah Possession alone is not an offense. Collectors may own slot machines provided they are not used for gambling.

Virginia Present laws are unclear, but possession of slot machines alone does not seem to be an offense provided they are not used for gambling.

Washington Any machine manufactured prior to January 1, 1941 is presumed to be an antique.

Wisconsin Slot machines manufactured 25-years ago or earlier are presumed to be an antique.

The above listing is merely a capsulization of the actual laws for each "legal" state. You are encouraged to make your own determination of how the laws of your particular state apply to your collection.

Continued from 1-A
Is possession of an antique slot machine illegal?

Montana law, Section 24-5-104, says it shall be a misdemeanor and punishable as to use, possess, operate, keep or maintain for use in operation of a slot machine without the written consent of the state. The law is a felony if a slot machine or a part thereof is sold or transferred a part of the state in one year.

Nickol and Police Chief Jack Anderson say the law clearly makes possession of an antique slot machine illegal.

They said state law also requires destruction of the machines if they don't know how you could prevent it, wouldn't be destroyed, and Anderson said. Currently, the machines are sitting inside an evidence room at the police department in Great Falls. He expects the machines will soon be turned over to the state's attorney, J. Fred Church Jr.

Great Falls Tribune

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Is the Montana law being enforced? Nickol gives a resounding "no" answer.

In fact, he claims, law officers are the most helpful in finding him slot machines in Montana. He says one north-central Montana sheriff's office, which he won't name, has a slot machine in the basement of the sheriff's office. A deputy with that department said that later were seized, Nickol claims.

Based on his knowledge of the Great Falls area, he claims about 400 local residents keep slot machines in their basements, adding that he knows for sure that the Zerrin Virginia City openly display slot machines.

He also says advertisements in daily newspapers, including the Tribune, as well as weekly shoppers, occasionally offer to buy or sell slot machines, he says. As to that police detective Sgt. Jack L. Maack says he would be glad to receive information about persons possessing slot machines, although he says placing an ad may not be illegal. He says police would have to catch the dealer with the merchandise.

Even though he says lawmen have done little to actively enforce the law, Nickol says he doesn't think city police purposely set out to seize his machines this week. He calls the seizure a "fluke" and suggests the seizure was probably an accident.

On Tuesday, Nickol bought the machines after a Texas business associate, Dallas antique dealer Tom Kunkle, wired him the money. Nickol says he took the machines to the airport in a box addressed to The Brass Register, an antique shop Kunkle runs. The machines were to be shipped by Frontier Airlines via Denver to Dallas.

As it turned out, an armed robbery had recently taken place in town. Nickol had a lot of cash with him that he uses in his business — and he used that to pay for the shipping. That raised suspicions.

Also, he says, he was not "dressed like a rich person" that day. He also told employees at the airport he had an antique shogun for sale.

City police confirm that his ready

cash and offer to sell a shogun plundered law officers to be interested. Airport security was called in and later city police seized the machine.

Nickol denies he was trying to prevent the slot machines were rash registered. Police said on this week, but Nickol says confusion, apparently arose when he addressed the machines to The Brass Register address in Dallas.

Chief Anderson agrees that local lawmen don't comb the city looking for slot machines in people's basements, saying policemen don't have "the ability or the inclination" to devote time and energy to the pursuit.

On the other hand, police will seize machines when alerted, he says. Maack says police are responsible for enforcing the law, adding he could not ignore the call from airport security.

Skinner says the last seizure of a slot machine came seven to 10 years ago, when police investigating a reported burglary found a slot machine in the basement of a house. He says police seized the machine and arrested the owner.

Should the law be changed? Clearly "yes," Nickol argues. "It's like some of these laws that you can't tie a horse on main street or spit on the sidewalk," he says.

Skinner says he's sympathetic to Nickol's problem and suggests the law could be altered to allow possession of antique slot machines. Anderson says he's not sure if the law should be changed.

According to The Coin Slot, a Denver publication devoted to slot machines, 30 states have laws which allow persons to possess antique slot machines: Montana, Idaho and North Dakota are not among them, however. The Coin Slot cited recent prices that showed one machine selling at auction for \$47,500.

Nickol says the federal Johnson Act of 1950, which prohibited interstate transportation of slot machines, was recently revised to allow trans-

portation of antique slot machines. He says the provision took effect July 1.

In summary, city police are sticking to their guns and say they must enforce the law. They say if someone else will be arrested. Then a judge will have to decide what to do with the machines, they say.

Nickol says he has made arrangements about it, but hints at other ways his attorneys and attorney for Kunkle may be able to retrieve the antiques.

Exhibit 2

STATE
OF
MONTANA

**ATTORNEY GENERAL
MIKE GREELY**

STATE CAPITOL HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

6 January 1981

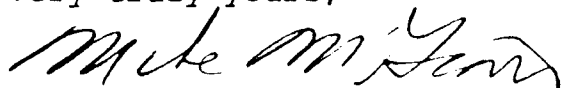
Pat McCrosson
Gallatin County Fire Marshal
Gallatin County Sheriffs Office
615 South 16th
Bozeman, Montana 59715

Dear Pat:

Pursuant to our conversation, we have reviewed your legislative proposal to amend the code provisions on arson to include the term "or other property" along with occupied structure. The Attorney General's office will not be taking a position on the proposal.

Thank you for your interest in this matter. If you have further questions or comments don't hesitate to contact me.

Very truly yours,



MIKE McGRATH
Assistant Attorney General

Exhibit 3



Exhibit 3

WU TLX D PTL *
 WU LEG HEL
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 PMS ROBERT KELLY, STATE FIREHMARSHALL, DLR
 1409 HELENA AVE
 HELENA MT 59620
 RE HOUSE BILL 159 ARSON STATUTE AMENDMENT

DEAR MR KELLY

I WHOLEHEARTEDLY SUPPORT THE AMENDMENT UP ABOVE STATUTE TO INCLUDE
 OTHER FORMS OF PROPERTY.
 DON RANSTROM
 BLAINE COUNTY ATTORNEY

N
 WU TLX D PTL *
 WU LEG HEL

Lewis and Clark County

Exhibit #

Courthouse — 443-1010
Helena, Montana 59601

Charles A. Graveley
County Attorney

January 19, 1981

Mr. Robert A. Ellerd
House of Representatives
State Capitol Building
Helena, Montana 59601

Re: House Bill No. 149

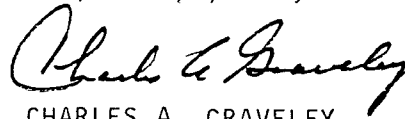
Dear Representative Ellerd:

I have been asked by the State Fire Marshal's office to comment upon the proposed amendment to Section 45-6-103, MCA, which adds the words "other property" to sub-section (a). I strongly endorse the amendment and urge you to give it your full support as we have had cases where property other than occupied structures were destroyed by fire and the only charge that could be brought in those cases was criminal mischief for which the penalty is only ten years.

I believe the increased penalty provided in this section of law would be helpful in arson prosecutions and further believe that this is a much needed amendment to our existing arson legislation.

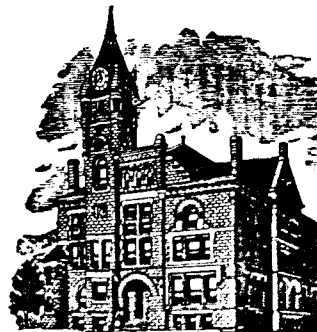
If you have any questions regarding my position on this, please feel free to contact me.

Very truly yours,



CHARLES A. GRAVELEY

CAG/d1



VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL 159

Date 1/21/81

SPONSOR Ellerd

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Dan Fisher	1918 ^{to write record} Washington St.	Montclair Vol. Fire	✓	
ART KORN	1916 SO WASH	MT. STAFF VOL FIRE/SE	X	
Ed Kelly	Fisher	St. John Church	✓	
James Balke	Belgrade, MT	Cal. Co. Fire Council	X	
John W. McCannan	Balltown Battery MT	Cal. Co. Fire Marshal	X	
D. F. Ellis	Bellevue, Idaho	Mont. Marshal of fire	S	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

L 176
 NSOR Yardley

Date 1/21/81

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS.

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ JUDICIARY _____ COMMITTEE _____

BILL 205
 SPONSOR Keedy

Date 1/21/81

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Susan Aust	Helena			
Tom Hoop	Helena	County Atty.	✓	
Karen Lawrence	Msola	" "	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

Room 207
Author Keedy

Date 1/21/81

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

LL 208
ONSOR Keedy

Date 1/21/81

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPO
<i>Tom Hough</i>	<i>Helena</i>	<i>County Attorney</i>	<input checked="" type="checkbox"/>	
<i>Karen Devers</i>	<i>MSA</i>	<i>" "</i>	<input checked="" type="checkbox"/>	
<i>Mike Wiley</i>	<i>HURON</i>	<i>MTLA</i>		<input checked="" type="checkbox"/>

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