MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 1, 1985

The nineteenth meeting of the Senate Judiciary Committee was called to order at 10:08 a.m. on February 1, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SB 148: Senator Bob Brown, sponsor of SB 148, introduced the bill and stated it deletes the word "dangerous" from the statute as it modifies the word "weapon." A weapon is inherently dangerous and that word is unnecessary in the law.

PROPONENTS: Judge Michael Keedy, District Judge from Flathead County, appeared in support of the bill. He stated this bill would delete the word "dangerous" as it modifies weapon. There is a statute in Montana which calls for the enhancement of a sentence for an offender who uses a dangerous weapon, which requires a sentencing judge to impose an additional sentence if the offender committed the offense with the use of a dangerous weapon. He testified a section of the law lays out the definition of weapon. It is clear from the definition of weapon itself, we are talking about an instrument or substance that is used in a life-threatening way. This bill will remove the possibility counsel will debate over weather a weapon is dangerous. This bill is largely housekeeping in nature.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Crippen asked Judge Keedy if this gives the definition of weapon and dangerous weapon the same meaning or if weapon is utself used in the criminal code. Judge Keedy stated the word "weapon" is defined in the definition section of the statute. The legislature has left up for interpretation on a case-by-case basis whether a weapon is dangerous or not. Senator Crippen asked if there were a difference in the sentence that can be imposed if you are convicted of something with a weapon versus a dangerous weapon. Judge Keedy stated yes; whatever term of years the court determines is appropriate must be increased if the offender used a dangerous weapon in the commission of the offense. Judge Keedy stated all this bill does is eliminate the confusion between the definition of weapon and the definition of dangerous weapon. Senator Towe stated if by taking out the word "dangerous" we were inviting the court to invoke more of the

two-year minimum sentences in the statute. Senator Yellowtail stated we should be less concerned with the nature of the weapon than its use.

CLOSING STATEMENT: None.

Hearing on SB 148 was closed.

CONSIDERATION OF SB 149: Senator Bob Brown, sponsor of this bill, stated the bill's purpose is as stated in the title. The assumption is if he knew he were guilty when he pleaded in the first time, then he shouldn't be able to change his plea.

PROPONENTS: Judge Michael Keedy, District Judge in Flathead County, appeared in support of SB 149. He testified there are certain courts of limited jurisdiction that are not of record. When a defendant in a criminal proceeding appeals his sentence from one of these courts, there is no record, so when he appears, it is filed with the district court as a trial de novo. If a defendant in city or justice court has been convicted by virtue of his own plea of guilty, then presumably there is no question about his guilt or innocence, so it is an imposition on the district court's time to hear it over again. It is a waste of precious judicial resources. Jim Jensen appeared on behalf of the Montana Magistrates Association in support of SB 149. He stated there was a discussion in the House Judiciary Committee this morning concerning appeals from justice court to district court. That hearing indicated often the justice court takes more seriously the crimes before it than the district judges, because district judges do not have the time or interest in these smaller matters. Thereby, the stepping up a level has the opposite end result.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Blaylock asked Mr. Jensen if he were suggesting an appeal to district court will be given even less consideration. Mr. Jensen responded the hearing indicated that is correct. Many matters that come before the district court in the scheme of things are considered to be junk matters and district judges do not adequately take the time to deal with them as seriously. Senator Blaylock asked to whom the courts belonged. Mr. Jensen responded to the people. Senator Blaylock stated then they should serve the people. Mr. Jensen stated he believes the justice courts do that. Judge Keedy stated a plea of guilty is the strongest form of proof in our criminal justice system. Senator Blaylock stated he may be reading the bill wrong, but he doesn't see any mention that a judgment has been rendered. Judge Keedy said if the guilty plea is the basis of conviction and the conviction is allowed to stand, he questions the opportunity of the defendant to get a new trial. Senator Towe asked how he would appeal if

a defendant wanted to withdraw his guilty plea in just court and the judge denied that. Judge Keedy stated he didn't know. He thought the best he could do under those circumstances would be to file a writ of habeas corpus with the district court. Senator Towe asked if he would be able to appeal directly to the supreme court. Judge Keedy responded no. Senator Towe asked how you would challenge the law under which you were convicted. Senator Towe stated what you are saying is so long as the guilty plea stands, he should not be able to get a new trial on the facts, but you should not preclude other issues. Judge Keedy responded that is correct. Senator Pinsoneault stated he would like this bill much better if the defendant were represented by counsel from the beginning. Judge Keedy stated he too is concerned about law and order, but is also mindful of the individual liberties of the defendant. If the bill were to be limited to the defendant's having been represented by counsel, he would whole-heartedly support that.

CLOSING STATEMENT: None.

Hearing on SB 149 was closed.

CONSIDERATION OF SB 150: Senator Bob Brown, sponsor of SB 150, stated this is a substantive and far-reaching bill that would abolish the Sentence Review Board. The idea behind the bill is the trial judge has presided over the trial and is familiar with the facts, so why should the sentence be reviewed by the Sentence Review Board. Rather than this procedure, if a defendant feels his sentence is too harsh, Senator Brown believes he should automatically appeal to the supreme court.

PROPONENTS: Judge Michael Keedy, District Judge in Flathead County, stated this is a radical approach to an existing problem. The Sentence Review Board meets quarterly at the state prison in Deer Lodge to review other sentences that the trial judges have imposed and that have been appealed to it. The apparent purpose for sentence review is to provide an opportunity for the equalization of sentences for crimes that are relatively similar in substantive terms. The theory is to provide a greater measure of even handedness. Judge Keedy thinks that is a laudible goal, and if that were what the board did, he would be in favor of its existence, but he believes the board has failed in its stated purpose. The sentencing disparities have been astonishing. Sentences vary from judge to judge and from offender to offender with the same judge. Sentence review has not done an effective job in eliminating this. If the Sentence Review Board were merely a failure, he could accept that, but it has been more than just a failure. It has not provided the cure; it has created its own new disease. The practical defects in the present method of review are: (1) Only the defendant can appeal his sentence to the Sentence Review Board. The prosecutor does not enjoy the same privilege. (2) The Sentence Review Board meets at

least four or more times a year in the back yard of the offender whose sentence is under review. The offender can present his side of the story without threat of anything from the prosecution, the sentencing judge, or the victim. It is tempting the defendant to rewrite history to his advantage. (3) Lenient sentences are never challenged. Those light sentences tend to become the norm by which other sentences are challenged. (4) An offender can appeal his sentence to the Sentence Review Board even when his sentence is the direct result of a plea bargain. (5) There is a great temptation for the defendant to fabricate to his own peculiar advantage. (6) Judge Keedy knows of no way the Sentence Review Board can be as informed as the sentencing judge was at the time of hearing. This bill will get rid of this abomination and allow sentencing judges to do what they are trained to do.

OPPONENTS: Judge Joe Gary, District Judge in Bozeman, appeared in opposition to SB 150 (see witness sheet attached as Exhibit 1). He takes issue with the categorization of the Sentence Review Board as an abomination. He was elected as a judge several years ago with no criminal experience whatsoever and yet was supposed to know how to sentence people. He believes Judge Keedy has misstated the manner in which the Sentence Review Board works. Everyone is notified when a defendant appeals his sentence. There are safeguards. He has no quarrel with the committee's amending the law stating the county attorney can appeal the sentence. To say we don't permit anyone to be heard is incorrect, because everyone that appears is heard. In 1983, they had 110 cases appear before them. The Sentence Review Board has been known to increase sentences. They do find a great disparity in sentences, and they are trying to do something about it. He thinks it serves as a relief valve. Senator Brown said you can appeal to the supreme court. In 1983, 110 cases were appealed to the Sentence Review Board. If you assume one-half will be appealed to the supreme court, that will increase the supreme court's case load. He feels it is an excellent institution. Patrick E. Melby, representing the State Bar of Montana, appeared in opposition to SB 150. Their opposition to this bill is basically because they think it is premature. Based on the assumption there is a disparity in sentencing in this state, and recognizing that is a problem and some uniformity is desireable, there has to be some method to alleviate the problem. Sentence review may not be best, but right now there are no other alternatives. Mr. Melby stated SB 186 will create a sentencing guidelines commission. He feels there should be an opportunity to attempt to adopt some guidelines to see if that helps alleviate the problems before eliminating the only thing that helps the problem.

QUESTIONS FROM THE COMMITTEE: Senator Pinsoneault stated even though he sympathizes with the frustration of what Judge Keedy experienced, he would oppose abolishment of this unless there were something else to

take its place. Senator Blaylock asked Karen Sedlock, the Secretary from the Sentence Review Board in attendance at the hearing, if she could tell us how many of the sentences that come before the Sentence Review Board are reduced, left the same, or raised. Ms. Sedlock stated the committee should refer to Exhibit 1 for that information. Senator Towe addressed Judge Keedy and stated he realizes some judges may make a mistake and that is human nature or maybe clouded by the emotion of the moment, but persons with similar factual circumstances have divurgent sentences, and he questioned how we were to address that. Judge Keedy responded there is the potential for mistakes at any level of our criminal justice system. He believes the potential for mistake is much smaller at the trial court level than at the Sentence Review Board. He is concerned about mistakes too, but he is convinced that there is no way for the Sentence Review Board to be as thoughtful and deliberative as the sentencing judge himself. Senator Towe stated you haven't addressed how we address the errors that may creep into the system without it. Judge Keedy responded it is possible for the offender to appeal to the supreme court. He does not expect the number of appeals will be the same as the number of applications to the Sentence Review Board. In addition, the state supreme court has already promulgated sentencing review guidelines and distributed them for voluntary use. Senator Towe stated it probably makes more sense in conservation of our judicial time that we not add this additional burden to our supreme court, but if we removed the Sentence Review Board, we would have to. Senator Towe asked if it didn't make more sense to go into the Sentence Review Board and take care of some of these problems. Senator Blaylock asked if there has been any sentencing judge that appeared and was denied the right to participate. Judge Gary said not to his knowledge.

CLOSING STATEMENT: Senator Brown stated since its creation in 1967, the Sentence Review Board seems not to have had any great impact on the sentencing disparity between cases; what it seems to do is work to the advantage of the defendant.

Hearing on SB 150 was closed.

CONSIDERATION OF SB 151: Senator Brown, sponsor of the bill, stated this bill increases the time during which imposition of a sentence may be deferred when the deferral has a condition that imposes any financial obligation. What the bill does is it speaks to financial obligation instead of restitution as in the existing law.

PROPONENTS: Judge Michael Keedy, District Judge in Flathead County, spoke in support of the bill and stated the present law puts a limitation on the length of time a judge can defer the imposition of sentence in misdemeanors and felonies. In misdemeanors, the court can defer imposition up to one year. In felonies, it can be deferred as

long as three years. Last session, Senator Halligan introduced a bill that extended it one year, so misdemeanors can now be deferred for two years and felonies for four years. The rationale was to give defendants time to make installment payments. This bill simply broadens the definition of restitution. Jim Jensen, representing the Montana Magistrates Association, spoke in favor of the bill. He stated this gives judges a little more flexibility at tailoring sentences to meet the needs of the people.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe asked Judge Keedy why he took out suspended sentences. Judge Keedy stated because we are talking about deferrals. This bill corrects an existing problem in the law. Senator Towe stated it has been his experience restitution is not imposed often enough, and he would like to see that happen more often.

CLOSING STATEMENT: None.

Hearing on SB 151 was closed.

There being no further business to come before the committee, the meeting was adjourned at 11:55 a.m.

Committee Chairman

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 020185

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

DATE February 1, 1985

COMMITTEE ON Judiciary

SB 148, 149, 150 & 151

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Michael Abley	Supreme Court	150		~~X~~
Karen Sedlock	Supreme Court	150		X
Nancy M. Johnson	Supreme Court	150		X
Pat Melby	State Bar	150		X
Joseph B. Thorp	District Judge	150		

(Please leave prepared statement with Secretary)

(This sheet to be used by those testifying on a bill.)

NAME: Joseph B. Gary DATE: 2-1-85

ADDRESS: Law & Justice Center - Bozeman,

PHONE: 587-0505

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: S.B. 150

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 020185
BILL NO. SB 150

Statement in Opposition to Senate Bill 150
By Joseph B. Gary, District Judge

I am appearing in opposition to Senate Bill 150 which will repeal the Sentence Review Board established by the legislature. I have had considerable experience sitting on this Board, having served three (3) years, from 1981 through 1983, and was chairman the last year.

My opposition is twofold. First, this is an excellent piece of legislation that is fairly unique in the United States and affords a release valve for disgruntled prisoners that have been sentenced to our penitentiary. My experience of the three (3) years shows that with the number of District Judges we have with varying philosophies, there is an often times great disparity in sentencing. People with comparable backgrounds, comparable criminal records or lack of criminal records, and comparable crimes often times receives sentences that have a great disparity in the same. For example, there have been negligent homicides by reason of drunken driving receiving a suspended sentence and another person could receive a ten (10) year sentence. That person receiving the ten (10) year sentence could be so frustrated and disillusioned with out criminal justice system that it has a potential of making a person who may not be disposed to be a criminal into a hardened criminal. In other words, the attitude could be "All right, I was dealt with unfairly in relation to other persons, and therefore, the state owes me several crimes" and may be a cause of recidivism. One of the most frustrating experiences a human being has is to feel that he is treated unfairly or more harshly than another person who has perhaps made the same transgression or committed the same crime.

Under the present system, that person can come before the Sentence Review Board who will listen to the appeal. Any person can come and testify, including the district judge who sentenced the defendant, the county attoreny that convicted the defendant, or other persons involved in the matter and appear in opposition to a reduction of the sentence. The Sentence Review Board then has the authority to

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 020185
BILL NO. SB 150

leave the sentence the same, lower it or even add to the sentence. When I was on the Board we did add to some sentences and in one instance as much as twenty-five (25) years and another instance four (4) years. I have no exact statistics of now many sentences we lowered, but I think it was possibly 35% to 40%.

In attending judges conferences, especially the Six State Judges Conference, we discussed our Sentence Review Board and the other states' judges almost unanimously felt this was an admirable piece of legislation and wished their states had the same. A prisoner, when he appears before the Board is advised that it can raise the sentence as well as lower the same and that the decision is final and there is no appeal from the same. They take their chances.

I have had sentences that I have rendered lowered and in retrospect I felt that the Sentence Review Board was right. There is nothing in the law that mandates a district judge who sentences is filled with divine inspiration by God to do right in every case. A board of three (3) judges sitting upon it often time come up with a better solution than one (1) presiding judge.

Secondly, all we hear in the newspapers, television and radio is the fact that Montana is strapped for money. It would appear that the State is headed for bankruptcy.

If this bill passes, then I believe that the counties that are supporting the costs of the Courts, public defenders, etc. (with, of course, assistance from the general grant by the legislature) will feel a real detrimental financial problem.

I can state without fear of contradiction that at least 95% of the persons charged with crime that appear before our courts in the Eighteenth Judicial District are indigents and require court appointed counsel to defend them. The cost of the public defenders mandated by the United States Supreme Court rulings (and justly so) is born by the taxpayers of Gallatin County, supplemented by the State of Montana taxpayers. It is my feeling that if this law is abandonded that there will be a great deal of appeals to the Supreme Court on

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 020185
BILL NO. SB 150

sentences. If a defendant feels he's been unfairly treated, his only recourse then is an appeal to the Supreme Court and he shall undoubtedly request his attorney to do so. If the attorney applies for an appeal to the Supreme Court, the district judges have no right to turn the appeal down, and the county must pay the cost of the transcript of appeal, which could run two (2) to three (3) thousand dollars, depending upon the length of the trial, attorney's fees to represent the appellant as well as the cost of printing the briefs. This could become an unreasonable burden upon the counties imposed by the legislature repealing the Sentence Review Board law.

If an attorney refused to take an appeal he could be subjected to malpractice if it were determined later on that he should have appealed and failed to do so. Therefore, the attorne as well as the court are left with no alternative other than to appeal to the Supreme Court.

Lastly, this places an unreasonable burden upon the Supreme Court that is being handled presently and adequately by the Sentence Review Board. The Supreme Court would have to act as a Sentence Review Board and a flood of cases that could conceivably come up there. We heard as many as 120 to 130 appeals at the Sentence Revie Board every year that I was on the Board and if you added only one-half of this to the present Supreme Court load, it places an unreasonable burden as well as the extreme costs that I mentioned above. The average cost of an appeal that we have had to pay in Gallatin County runs about $2,500 to $3,000.

There was a suggestion that the county attorneys' wished to have the Sentence Review law amended so that the county attorneys co appeal a judges decision to the Sentence Review Board if they were unhappy with the same. I see no objection to that amendment and fee that it could possibly solve some of the objections filed by vari county attorneys. I grant the system is not perfect and perhaps the Board made some mistakes in the past, but if a long prison sentence corrected every prisoner there would be no recidivism. There is

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 020185
BILL NO. SB 150

nothing to guarantee that a sentence to the prison corrects the criminal as we see a great amount of recidivism on the various prisoners that are now sent to the prison.

I urge you to reject Senate Bill 150, retain the Sentence Review Board and would certainly feel that if you wished to give the county attorneys a right to appeal that this right be granted.

Judge Thomas A. Olson, the other judge in the Eighteenth Judicial District, who is now on the Sentence Review Board, joins in this objection. He planned to be here, but he has law and motion this date and so could not appear, but advised me to state his support of this position. Judge Mark Sullivan, present chairman requested that I register his opposition to the bill.

Respectfully submitted.

Joseph B. Gary
District Judge

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 020185
BILL NO. SB 150

STATISTICAL INFORMATION ON SENTENCE REVIEW

TOTAL CASES FILED FOR EACH YEAR	GRAND TOTAL FILED	DATE	SET		CASES HEARD		CHANGED	
1968		Mar 1968	45		39		8	
104		Jun 1968	25	(70)	21	(60)	5	(13)
		Sep 1968	18	(88)	13	(73)	3	(16)
1969		Jan 1969	20	(108)	17	(90)	2	(18)
90	(194)	Mar 1969	23	(131)	20	(110)	1	(19)
		Jun 1969	17	(148)	12	(122)	2	(21)
		Sep 1969	29	(177)	21	(143)	3	(24)
		Dec 1969	32	(209)	19	(162)	5	(29)
1970		Mar 1970	33	(242)	17	(179)	3	(32)
80	(274)	Jun 1970	35	(277)	25	(204)	3	(35)
		Sep 1970	20	(297)	13	(217)	2	(37)
1971		Jan 1971	20	(317)	16	(233)	4	(41)
86	(360)	Apr 1971	35	(352)	19	(252)	1	(42)
		Jun 1971	23	(375)	13	(265)	4	(46)
		Sep 1971	24	(399)	14	(279)	2	(48)
		Dec 1971	39	(438)	20	(299)	3	(51)
1972		Mar 1972	25	(463)	15	(314)	1	(52)
94	(454)	May 1972	19	(482)	13	(327)	3	(55)
		Jun 1972	25	(507)	15	(342)	3	(58)
		Sep 1972	30	(537)	18	(360)	5	(63)
		Nov 1972	32	(569)	15	(375)	6	(69) (1 incr)
1973		Mar 1973	31	(600)	25	(400)	4	(73)
90	(544)	May 1973	25	(625)	9	(409)	1	(74)
		Oct 1973	28	(653)	18	(427)	2	(76)
		Dec 1973	26	(679)	17	(444)	0	(76)
1974		Mar 1974	36	(715)	28	(472)	14	(90)
100	(644)	May 1974	31	(746)	16	(488)	5	(95)
		Oct 1974	31	(777)	27	(515)	8	(103)
		Dec 1974	16	(793)	14	(529)	2	(105)
1975		Feb 1975	15	(808)	11	(540)	2	(107)
103	(747)	Apr 1975	24	(832)	19	(559)	3	(110) (1 incr)
		Jul 1975	33	(865)	29	(588)	9	(119) (1 incr)
		Nov 1975	25	(890)	14	(602)	2	(121)
		Dec 1975	21	(911)	12	(614)	3	(124)
1976		Feb 1976	35	(946)	19	(633)	1	(125) (1 incr)
118	(865)	Apr 1976	26	(972)	15	(648)	3	(128)
		Oct 1976	42	(1014)	30	(678)	3	(131)
		Dec 1976	30	(1044)	21	(699)	4	(135)
1977		Mar 1977	25	(1069)	20	(719)	6	(141)
106	(971)	Aug 1977	12	(1081)	11	(730)	2	(143)
		Dec 1977	33	(1114)	24	(754)	3	(146) (1 incr)
1978		Mar 1978	27	(1141)	21	(775)	5	(151)
95	(1066)	May 1978	25	(1166)	15	(790)	5	(156)
		Oct 1978	15	(1181)	7	(797)	5	(161)
		Dec 1978	30	(1211)	17	(814)	11	(172)
1979		Mar 1979	31	(1242)	20	(834)	4	(176)
102	(1168)	Jul 1979	24	(1266)	15	(849)	6	(182)
		Aug 1979	19	(1285)	10	(859)	3	(185)
		Dec 1979	20	(1305)	11	(870)	5	(190)
1980		Mar 1980	26	(1331)	21	(891)	8	(198)
88	(1256)	May 1980	26	(1357)	22	(913)	8	(206)
		Aug 1980	22	(1379)	19	(932)	10	(216) (1 incr)
1981		Mar 1981	29	(1440)	16	(970)	9	(232)
132	(1388)	May 1981	27	(1467)	16	(986)	6	(238) (1 incr)
		Aug 1981	13	(1480)	12	(998)	5	(243)
		Nov 1981	27	(1507)	22	(1020)	8	(251)
1982		Mar 1982	35	(1542)	16	(1036)	8	(259) (1 incr)
146	(1534)	May 1982	39	(1581)	33	(1069)	16	(275)
		Aug 1982	17	(1598)	14	(1083)	9	(284)
		N/D 1982	32	(1630	30	(1113)	17	(301) (2 incr)

Prepared January 23, 1985
by Karen Sedlock, Secretary
Sentence Review Board

March 15, 16, 1983:	13 cases stayed the same
	11 cases were reduced
May 11, 12, 1983:	6 cases stayed the same
	24 cases were reduced
	3 cases were continued
	1 case was waived
July 21, 1983:	3 cases stayed the same
	8 cases were reduced
	1 case was increased
November 15, 16, 17, 1983:	16 cases stayed the same
	18 cases were reduced
	3 cases were increased
	1 case was waived
	2 cases were continued
	110 cases were reviewed

March 26, 27, 1984:	13 cases stayed the same
	9 cases were reduced
	2 cases were waived
	1 case was continued
May 17, 1984:	5 cases stayed the same
	3 cases were reduced
	2 cases were continued
July 18, 1984:	3 cases stayed the same
	3 cases were reduced
November 7, 8, 1984:	14 cases stayed the same
	6 cases were reduced
	1 case was increased
December 6, 1984:	9 cases stayed the same
	2 cases were decreased
	1 case was waived
	74 cases were reviewed

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 020185
BILL NO. SB 150

PERCENTAGE OF INMATES

THAT APPLIED FOR

SENTENCE REVIEW

YEAR	INMATES THAT ENTERED MSP	CASES REVIEWED	PERCENT THAT FILED
1978	331	60	18.12%
1979	278	56	20.14%
1980	287	62	21.60%
1981	393	66	16.79%
1982	378	93	24.60%
1983(Through May)	180	58	32.22%

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1

DATE 020185

BILL NO. SB 150