MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on February 6, 1989, at 9:09 a.m.

ROLL CALL

Members Present: All members were present

Members Excused: None.

Members Absent: None.

Staff Present: Julie Emge, Secretary John MacMaster, Legislative Council

Announcements/Discussion: A letter was drafted by John MacMaster to Chief Justice Turnage on behalf of Chairman Brown (EXHIBIT 1).

HEARING ON HOUSE BILL 313

Presentation and Opening Statement by Sponsor:

Rep. Grady, House District 47, Sponsor of HB 313 requested by the Montana Ski Area Association. This bill was proposed after the Montana Supreme Court declared unconstitutional a state law that held skiers responsible for injuries while skiing. Rep. Grady introduced Pat Melby, a Helena attorney who took part in the drafting of the bill to explain in detail the intent of HB 313.

Testifying Proponents and Who They Represent:

Pat Melby, Montana Ski Area Association George Willett, Showdown Ski Area Norm Kurtz, Big Mountain Ski Resort Bill Grasser, Lost Trail Ski Area Terry Abelin, Bridger Bowl Ski Area Peter Pitcher, Discovery Ski Area Brad Morris, Snowbowl Ski Area Kevin Taylor, Great Divide Ski Area Red Kamp, Maverick Mountain Ski Area Michael Bell, President, Montana Ski Association Dr. Bud Little, Self and skiers Stanley E. King, National Ski Patrol Association

Proponent Testimony:

- Pat Melby, a Helena attorney, representing the Montana Ski Areas Assoc. stated that the attempt of HB 313 is to remove the portions in which the Supreme Court found unconstitutional from the law and to redefine those duties of the skier as well as the ski area. Mr. Melby reviewed with the committee proposed amendments (EXHIBIT 2) as well as rehearsed in full detail the contents of HB 313.
- George Willett of the Showdown Ski Area where the case of Brewer v Ski-lift, Inc. occurred discussed before the committee as to the event that took place prompting the proposal of the HB 313. In Mr. Willett's words, the skier was skiing through a numerous amount of small trees, lost a ski and fell, landing on a stump. Mr. Brewer was skiing through soft powder snow that had no base, he lost a ski and he fell on a stump that had been uprooted. Additionally, the situation had been there for 25-30 years, it was not a new situation that was not unknown to the skier. Mr. Willett stated that most of the skiers that go to a ski area accept the fact that skiing is a very dangerous sport; however, as a ski area they have no control over the speed and course of The purpose of this bill is to identify the the skier. inherent risks associated with the sport and make it the skiers responsibility if he/she gets hurt because of these inherent risks. Another factor that comes into consideration is the cost. The insurance industry for skiing is a very small industry. There are only two carriers that sell insurance to ski areas in the entire United States. Mr. Willett stated that their insurance costs have gone up 250% within the past 5 years. The costs have gone up because of the losses that the country has had as a whole, not just specifically Montana. Therefore, to compensate for the increase in insurance rates, they must raise the cost of the area lift tickets. Mr. Willett asked the committee to consider the proposed legislation as an industry to help put skiing in perspective in the State and allow the skiers to pick and chose and to also allow them to accept the responsibility that most of them would like to.
- Norm Kurtz stated that he has been in the ski business for 34 years and that when he began the sport of skiing, the responsibilities that he accepted at that time are largely the same as they are today. The sport of skiing involves gravity, snow, cold weather, speed, intense physical exertion, and therefore, the ensuing problems that could occur by more than one person doing the same sport at the same time. The measure that he asks the committee support clearly defines what the skiers responsibilities are.
- Bill Grasser commented that as a ski area operator he sees a lot of people, both in state as well as out of state that are skiing in Montana with varying understandings of what the risks are. It is very important as risk takers and

businessmen in the State of Montana that there is a law that sets forth a clear understanding of what their responsibilities are as ski area operators as well as the responsibilities of the skier.

- Terry Abelin stated that HB 313 basically covers two different areas: 1.) Negligence and 2.) Inherent risk. Negligence can be from either party, the operator or the skier. Inherent risk is something that is involved in any sport. Mr. Abelin hoped that by better defining the definitions they hope to be able to lessen the impact of the nuisance lawsuits and keep skiing a viable industry in the State of Montana.
- Peter Pitcher expressed to the committee that a number of smaller ski areas in Montana, which Discovery Basin is one, they cater to budget minded skiers. In the last five years there has been three ski areas that have ceased to operate in Montana primarily due to the increase of their insurance premiums. Without the passage of HB 313, Mr. Pitcher imagined that there would be more litigation because the ski areas responsibilities would not be as clearly defined.
- Kevin Taylor, speaking from the prospective of one of the smallest ski area operators in the State commented that while insurance premiums are their number two expense item, second only to the wages and salaries that are paid to their personnel, expense is not their major concern. Availability While the premiums are a significant expense item to is. the area operator they are fairly minor to the insurers. Therefore, if they are faced with numerous claims, nonrenewal is a significant concern. Mr. Taylor stated that they make tremendous efforts to assure that their lifts operate to a highest degree of safety, and they do so. They also designate and maintain a number of trails to make the experience more pleasurable to their customers. However, they do operate in a mountain environment and are providing access to a sport which historically contains a degree of risk which is central to the challenge and enjoyment of the sport. House Bill 313 simply seeks to list and define these risks that naturally accompany participation in the sport of skiing. The purpose of this bill is to publicly proclaim that they, as ski area operators cannot eradicate those risks without totally compromising the very nature of the sport. Mr. Taylor stated that they would like to communicate that warning to the public by passage of the proposed bill into law.
- Brad Morris, Red Kamp, Mike Bell, Dr. Bud Little and Stanley E. King voiced their testimony before the committee in support of HB 313 in agreement with the above mentioned proponents.

Allan M. McGarvey submitted to the committee written testimony in favor of HB 313 (EXHIBIT 3).

Testifying Opponents and Who They Represent:

Michael Sherwood, Montana Trial Lawyers Association

Opponent Testimony:

- Michael Sherwood stated that he does not oppose the bill on its spirit, but he does oppose certain language found in the bill. Mr. Sherwood presented to the committee a written testimony as to his reasons for opposing HB 313 (EXHIBIT 4).
- Questions From Committee Members: Rep. Addy questioned Mr. Willett as to the case of Brewer v Ski-lift. In the opinion itself, it notes that the plaintiffs contention was that the stump was beneath the snow, not visible, in a dangerous location and that it had been turned upside down with sharp roots sticking up. Mr. Willett responded that the type of forest that they have at the ski area has a very shallow root system and over a period of years this particular stump had been uprooted and been there for 30-40 years as a result of some logging operations that had taken place. It was in a forest regrowth area where the trees were anywhere from 6-12 feet tall and were sticking out of the snow anywhere from 2-8 feet. The area has been skied over for the past 20 or so years that the ski area has been operating, but usually the people don't go into that area until there is adequate snow and some consolidation of the snow to create a base. The accident occurred on the 26th of December and due to the small amount of snow there was no consistency in the woods. Rep. Addy questioned that anyone who uses the ski area is suppose to know where and where not to ski, and to determine if it has been groomed by a snow-cat and considered a safe skiable area? Mr. Willett responded yes. Rep. Addy questioned if there was any separate warning or caution that they give to people regarding the possible risks that may be inherent in the area? Mr. Willett stated that unfortunately they have so many signs that are posted that they are almost a hazard in themselves. He commented that the farther off from the groomed areas into the woods the skier gets, the greater the risk and hazard.
- Rep. Addy continued by asking Mr. Willett if he could describe the nature of the plaintiffs injuries? Mr. Willett stated that Mr. Brewer fell, fractured his ribs and suffered internal injuries and bleeding. The primary concern, however, is the aggravation of an existing back injury.

<u>Closing by Sponsor:</u> Rep. Grady stated that speaking from a skiers point of view he often takes many chances and skies where he knows he shouldn't. Admittedly, he feels that it is not proper responsibility of the ski area operator in many cases when accidents happen.

DISPOSITION OF HOUSE BILL 264

- Motion: Rep. Hannah made a DO PASS motion, seconded by Rep. Aafedt.
- Discussion: No discussion on the motion.
- Amendments, Discussion, and Votes: Rep. Addy made a motion to move the amendments (EXHIBIT 5), motion seconded by Rep. Wyatt.
- Rep. Hannah offered a friendly amendment to insert "public" on page 2, line 11 of the proposed amendments. Motion CARRIED.
- Rep. Brooke moved the addition of "incest" on page 3, line 11 of the proposed amendments, motion seconded by Rep. Stickney. Motion CARRIED.
- Recommendation and Vote: Rep. Hannah moved DO PASS AS AMENDED, motion seconded by Rep. Addy. Motion CARRIED with a unanimous vote.

DISPOSITION OF HOUSE BILL 185

- Motion: Rep. Addy moved HB 185 DO PASS, motion seconded Rep. Darko.
- Amendments, Discussion, and Votes: Rep. Addy moved amendments on page 5, line 9, following "appropriate", strike <u>public</u>. Page 5, line 13, following "nearest", insert <u>regional</u> <u>central office of the</u>. Page 5, line 16, following "the", strike <u>public</u>; line 19, following "the", strike <u>public</u>; line 21, following "facility", insert <u>within</u>; following 12, strike "hours", insert <u>hour period</u>. Line 25, strike "facility within four hours", insert <u>facility as soon</u> <u>reasonably practical</u>. Amendments seconded by Rep. Darko.
- Rep. Addy stated that the intent of the amendments is to make this bill workable for law enforcement, at the same time making sure the standard of care to the mentally ill people is not lowered.
- A vote was taken on the above mentioned amendments and CARRIED unanimously.
- Rep. Hannah suggested to amend page 5, line 10, Strike "anywhere in the state", motion seconded by Rep. Nelson. Amendment CARRIED with Rep.'s Wyatt, Stickney and Darko voting No.

HOUSE COMMITTEE ON JUDICIARY FEBRUARY 6, 1989 Page 6 of 6

Recommendation and Vote: Rep. Gould made a DO PASS AS AMENDED, motion seconded Rep. Addy. A vote was taken and CARRIED unanimously.

ADJOURNMENT

Adjournment At: 11:00 a.m.

DAVE BROWN, Chairman REP.

DB/je

3108.MIN

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEB. 6, 1989

.

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	Х		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	Х		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	Х		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	Χ		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	Χ		
REP. DAVE BROWN, CHAIRMAN	X		

1

STANDING COMMITTEE REPORT

February 6, 1989 Page 1 of 2

Mr. Speaker: We, the committee on <u>Judiciary</u> report that <u>House</u> Bill 264 (first reading copy -- white) do pass as amended.

Signed: ______ Dave Brown, Chairman

And, that such amendments read:4

1. Title, line 11. Strike: "SECTION" Insert: "SECTIONS" Following: "7-32-2208" Insert: "AND 45-7-306"

2. Page 2, line 11. Following: "commissioners." Insert: "A person participating in a county jail work program may not have his labor or other work contracted out to a private party or be required to do labor or other work that furthers the private interests of a government employee or official. He may only be permitted or required to do labor or other work that relates to public projects, public services, or other public matters."

3. Page 3, line 11. Following: "assault," Insert: "domestic abuse, incest,"

4. Page 4, following line 2. Insert: "Section 5. Section 45-7-306, MCA, is amended to read:

"45-7-306. Escape. (1) "Official detention" means imprisonment which resulted from a conviction for an offense, confinement for an offense, confinement of a person charged with an offense, detention by a peace officer pursuant to arrest, detention for extradition or deportation, supervision while under a supervised release

February 6, 1989 Page 2 of 2

program, participation in a county jail work program under [sections 1 through 3], or any lawful detention for the purpose of the protection of the welfare of the person detained or for the protection of society. "Official detention" does not include supervision of probation or parole, constraint incidental to release on bail, or an unlawful arrest unless the person arrested employed physical force, a threat of physical force, or a weapon to escape.

(2) A person subject to official detention commits the offense of escape if he knowingly or purposely removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited time. A person also commits the offense of escape if he is participating in a county jail work program under [sections 1 through 3] and he knowingly or purposely fails to appear for work at a time and place scheduled for participation in the program.

(3) A person convicted of the offense of escape shall be:

(a) imprisoned in the state prison for a term not to exceed 20 years if he escapes from a state prison, county jail, city jail, or supervised release program by the use or threat of force, physical violence, weapon, or simulated weapon;

(b) imprisoned in the state prison for a term not to exceed 10 years if he:

(i) escapes from a state prison, county jail, city jail, halfway house, life skills center, or supervised release program; or

(ii) escapes from another official detention by the use or threat of force, physical violence, weapon, or simulated weapon; or

(c) fined not to exceed \$500 or imprisoned in the county jail for a term not to exceed 6 months, or both, if he commits escape under circumstances other than (a) and (b) of this subsection." "

STANDING COMMITTEE REPORT

February 6, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>Judiciary</u> report that <u>House</u> Bill 185 (first reading copy -- white) do pass as amended.

Signed: 1.55 Dave Brown, Chairman

And, that such amendments read:

1. Title, line 7. Strike: "PUBLIC"

2. Page 5, lines 9, 16, and 19. Strike: "public"

3. Page 5, line 10. Strike: "anywhere in the state"

4. Page 5, line 13. Following: "notify the" Insert: "regional central office of the" Strike: "public"

5. Page 5, line 21. Following: "facility" Insert: "within"

6. Page 5, line 22.
Strike: "hours"
Insert: "hour period"

(

7. Page 5, line 25. Strike: "within 4 hours" Insert: "as soon as reasonably practical"

Feb.	6,	1989
		Name No. (Constant)



SENATE MEMBERS J.D. LYNCH CHAIRMAN GARY C. AKLESTAD PAUL F. BOYLAN JACK E. GALT

Montana Legislative Council

EXECUTIVE DIRECTOR ROBERT B. PERSON

LEGAL DIRECTOR GREGORY J. PETESCH Legal Services Division State Capitol Helena, Montana 59620 (406) 444-3064

February 6, 1989

The Honorable Jean Turnage Chief Justice of the Montana Supreme Court Room 414 Justice/State Library Building Helena, Montana

Dear Chief Justice Turnage:

I am writing on behalf of Representative Dave Brown, Chairman of the House Judiciary Committee. He has been approached for support of an attempt to use a House Judiciary Committee committee bill to repeal or amend those statutes relating to practice and procedure before the justices' courts that conflict with the justices' courts' rules.

Chairman Brown is at this point generally agreeable to the idea, but wants, as soon as possible, a list from and compiled by your court, of which statutes to repeal and which to amend and exactly how they should be amended, showing, on photocopied code sections that are cut and pasted on 8 1/2 x 11 1/2 inch paper, what should be lined out and what inserted and where. The introduction deadline for committee bills is February 16. The sooner the committee gets the above information, and the better the shape its in, the faster its staffer, who is extremely busy, will be able to draft the bill for introduction. May I suggest that the court work with Jim Oppedahl to put the information on what to repeal and exactly what and how to amend into a predraft of a bill that could be given to Rep. Brown?

Sincerely yours, Im Moc Morles John MacMaster

JOHN VINCENT ATTORNEYS JOHN MACMASTER JIM LEAR VALENCIA LANE LEE HEIMAN MARY KELLY MCCUE

EDDYE MCCLURE

DOUG STERNBERG

HOUSE MEMBERS

RALPH S. EUDAILY

ROBERT L. MARKS

VICE CHAIRMAN

2 Feb. 6, 1989

Amendments to House Bill No. 313 First Reading Copy

Requested by Rep. Grady For the Committee on the Judiciary

> Prepared by John MacMaster February 4, 1989

1. Title, lines 5 and 6.
Strike: "PROVIDE THAT THOUGH LIABLE FOR NEGLIGENCE,"
Insert: "STATE THE DUTIES OF"

3. Page 5, line 15. Strike: "who is skiing"

4. Page 5, line 25. Strike: "the skier" Insert: "he"

1

Ĺ

5. Page 6, line 4. Following: "<u>injury</u>" Insert: "or damage" Strike: "<u>that he suffers</u>"

6. Page 6, lines 15 through 19. Strike: "<u>forest growth</u>" on line 15 through "<u>skiing activity</u>" on line 19 Insert: "skiing in an area within the ski area boundaries not designated as a ski trail"

7. Page 6, lines 20 through 23. Strike: "," at end of line 20 through "signs" on line 23

LXHIBIT_ 3 DATE Jan. 6, 1989 HE 312-Rep. Grady

Law Offices of HE 312-Re Mc Garvey, Heberling, Sullivan & Mc Garvey

NEVERUNG, SUUVIAN a partnership of professional corporations 745 South Main Kalispell, Montana 59901-5399

Telephone (406) 752-5566 1-800-345-1763

Dale L. Mc Garrey Jon L. Heberling Roger M. Sullivan Allan M. Mc Garrey

January 31, 1989

To All Senators and Representatives State of Montana 51st Legislature State Capitol Building Capitol Station Helena, Montana 59601

> Re: House Bill No. 313 An Act to Clarify the Skier Responsibility Law

Dear Legislator:

I wish to take this opportunity to applaud your efforts to clarify the Skier Responsibility Law. I also wish to pledge my support and willingness to assist in enacting a law which protects both the Montana ski industry as well as Montana skiers.

As the attorney for the appellant in <u>Brewer v. Ski-lift</u>, <u>Inc.</u> (the civil action in which the previous enactment was declared unconstitutional), I have spent a great deal of time studying the legislation you are considering including:

- a) The legislative rationale and purpose;
- b) Similar laws in sister states;
- c) Constitutional limitations upon such an enactment; and,
- d) Specific language used.

I have reviewed House Bill No. 313 as introduced and find it an excellent improvement over the old law; however, I feel very strongly that the new enactment will be subject to some of the same difficulties as the previous law and will ultimately be challenged on a constitutional basis. Indeed, the legislation could arguably be construed to deny a remedy in a case like Mr. Brewer's as he was injured by "forest growth" in a designated ski trail. Montana State Legislators January 31, 1989 Page Two

(

ĺ

ĺ

I am sure it is not the intent of the legislation to immunize ski area operators from liability for their wrongful or negligent conduct; rather, it is to protect the ski area operators from law suits which arise out of injuries occurring despite the ski area operator's exercise of reasonable safety precautions. I believe the difficulty arises from the impossibility of cataloging all possible fact scenarios with sufficiently detailed language.

I would like to suggest the following minor changes to House Bill No. 313 which I believe would help define the statutory duties and define the scope of the legislation. First, I would propose that Section (4) be supplemented with the following language:

Section 23-2-736, MCA, is amended to read: . . .

(4) . . .

(i) <u>Ski area operator negligence is not a risk</u> inherent in the sport of skiing.

My second suggestion is that the ski area operator be shouldered with a minimal burden to exercise reasonable care to maintain their ski hills such that Section (3) should be modified as follows:

Section 23-2-733, MCA, is amended to read:

A ski area operator shall:

(8)]					
unnecessar					
unreasonab					
which are u	unusually	dangerous	but are	too di	fficult to
remove.					

I am sure you will agree that these minor modifications will impose no great burden upon the ski area operators nor will they open the door for lawsuits except where a skier has been injured by an unreasonably dangerous hazard which was left unmarked on the ski hill through the operator's failure to exercise even reasonable care.

If you have any questions concerning the need for these modifications or the reasons I feel these modifications would

Montana State Legislators January 31, 1989 Page Three

make the legislation much stronger and less subject to constitutional challenge, please call me at our toll free number.

I wish you the best of luck in your efforts to tackle the difficult issues before the 51st Legislature.

Sincerely, Allan M. McGarvey

AMM:jem

EXHIBIT DATE Feb. 6, 1989 HB_313-Rep. Grady

Testimony of Michael Sherwood, MTLA Opposing House Bill 313 February 5, 1989

Montana has established by law a comparative negligence scheme in determining whether injured victims should be compensated for the negligence of others. Unless someone is more negligent than the victim of an accident, the victim cannot recover. If the victim is allowed to recover the amount of his negligence is deducted from the damages owed.

This bill attempts to create an exception to that general law for ski resorts. The supreme court of Montana ruled in Brewer v. Skilift, Inc.. that the former law passed by the legislature at the prompting of the ski resort industry was unconstitutional.

The court recognized that a state may make different rules for skiers (as opposed to other recreationists) so long as the distinction "rationally furthers a legitimate state purpose." The court found that completely insulating ski resorts from liability did not serve the purpose set forth in the statute: e.g. "to define those areas of responsibility and affirmative acts for which the ski operator is liable for loss, damage, or injury and those risks for which the skier expressly assumes or shall be considered to have voluntarily assumed the risk of loss or damage and for there can be no recovery. "This bill sets forth a different, and perhaps, more candid legislative objective: "maintaining the economic viability of the ski industry by discouraging frivolous lawsuits, defining inherent risks,

Ex. #4 2-6-89

and establishing the duties of skiers and ski area operators." In all likelihood the supreme court will find this to be a legitimate legislative objective. The question, then, is whether this legislation "rationally furthers those objectives."

In the Brewer case the court held that requiring a skier to assume all risk and legal responsibility for injury to himself and for collisions and barring him from recovery from a ski resort completely when his injury was caused in part by a risk inherent in the sport did not rationally further the stated objectives in the act.

Now, this bill is before you in order to meet the requirements that the court found lacking in prior legislation. It attempts to do so by defining the various duties of the parties more explicitly and. forbidding recovery when a inherent risk in the sport in any again, way causes the damage. If this legislation is to pass consitutional muster it must be amended as proposed by the attached amendments to allow comparative negligence to still operate and to not limit duties or conditions to those listed in the bill.

с. 5_{..} DATE Feb. 6, 1989 HB_313-Rep. Grady

Proposed amendments to House Bill 313 Michael Sherwood, MTLA'

Page 2, Line 3:

Strike: "discouraging frivolous lawsuits,"

Insert after "by" : discouraging claims based upon damages resulting from risks inherent in the sport by "

Page 2, Line 25:

Strike: "shall:"

Insert after "operator": "owes a duty of care to a skier which includes, but is not limited to, the duty to:"

Page 6,, Line 3: Strike: "all"

Page 6, Line 4:

Insert after "suffers": "to the extent" Insert after "that": "the injury or damage"

Page 7, Line 7:

Insert a new section (i) which reads: "(i) any other inherent risk in the sport of skiing that is essentially impossible to eliminate by the ski operator."

6 Feb. 6, 1989 HB_313-Rep. Grady

Amendments to House Bill No. 264 First Reading Copy

Requested by the Judiciary Committee For the Committee on the Judiciary

> Prepared by John MacMaster February 1, 1989.

1. Title, line ll.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-32-2208"
Insert: "AND 45-7-306"

2. Page 2, line 11. Following: "commissioners."

Insert: "A person participating in a county jail work program may not have his labor or other work contracted out to a private party or be required to do labor or other work that furthers the private interests of a government employee or official. He may only be permitted or required to do labor or other work that relates to public projects, services, or other matters."

3. Page 3, line 11. Following: "assault," Insert: "domestic abuse, incest,"

—4. Page 4, following line 2. Insert: "Section 5. Section 45-7-306, MCA, is amended to read:

"45-7-306. Escape. (1) "Official detention" means imprisonment which resulted from a conviction for an offense, confinement for an offense, confinement of a person charged with an offense, detention by a peace officer pursuant to arrest, detention for extradition or deportation, supervision while under a supervised release program, participation in a county jail work program under [sections 1 through 3], or any lawful detention for the purpose of the protection of the welfare of the person detained or for the protection of society. "Official detention" does not include supervision of probation or parole, constraint incidental to release on bail, or an unlawful arrest unless the person arrested employed physical force, a threat of physical force, or a weapon to escape.

(2) A person subject to official detention commits the offense of escape if he knowingly or purposely removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited time. A person also commits the

hb026401.ajm

offense of escape if he is participating in a county jail work program under [sections 1 through 3] and he knowingly or purposely fails to appear for work at a time and place scheduled for participation in the program.

(3) A person convicted of the offense of escape shall be:

(a) imprisoned in the state prison for a term not to exceed 20 years if he escapes from a state prison, county jail, city jail, or supervised release program by the use or threat of force, physical violence, weapon, or simulated weapon;

(b) imprisoned in the state prison for a term not to exceed 10 years if he:

(i) escapes from a state prison, county jail, city jail, halfway house, life skills center, or supervised release program; or

(ii) escapes from another official detention by the use or threat of force, physical violence, weapon, or simulated weapon; or

(c) fined not to exceed \$500 or imprisoned in the county jail for a term not to exceed 6 months, or both, if he commits escape under circumstances other than (a) and (b) of this subsection."

1.

VISITORS' REGISTER

TITD	TOT	2 m 12	,	
000	ICI	ARI		

COMMITTEE

BILL NO. HOUSE BILL 313 DATE FEB. 6, 1989

SPONSOR REP. GRADY

SUPPORT OPPOSE NAME (please print) RESIDENCE Dr Bud Little HELENA X GREAT FALLS Tichach R. Bell . C. King Sreat Fills X WHITEFISH DANG- $\boldsymbol{\mathcal{X}}$ Grosse le Mione missoula Anaconda X Helena lais Manusville na Bridger Bowlski Arez 12 JULET Mout Shi Chea asin Nike Sherwood (ulan MTLA

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.