

1                    SENATE BILL NO. 21  
 2 INTRODUCTION BY TURNAGE  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SENTENCING  
 5 JUDGE TO IMPOSE A SENTENCE OF IMPRISONMENT FOR CERTAIN  
 6 CRIMES WHEN COMMITTED WITH A FIREARM OR KNIFE; PROVIDING  
 7 THAT THE SENTENCE REVIEW DIVISION CANNOT WAIVE THIS  
 8 REQUIREMENT; AMENDING SECTIONS 95-2206 AND 95-2502, R.C.M.  
 9 1947."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12        Section 1. Section 95-2206, R.C.M. 1947, is amended to  
 13 read as follows:

14        "95-2206. Sentence. Whenever any person has been found  
 15 guilty of a crime or offense upon a verdict or a plea of  
 16 guilty the court may:

17        (1) Defer imposition of sentence for a period not to  
 18 exceed one (1) year for any misdemeanor; for a period not to  
 19 exceed three (3) years for any felony. The sentencing judge  
 20 may impose upon the defendant any reasonable restrictions or  
 21 conditions during the period of the deferred imposition.  
 22 Such reasonable restrictions or conditions may include:

- 23        (a) jail base release;  
 24        (b) jail time not to exceed ninety (90) days;  
 25        (c) conditions for probation;

- 1        (d) restitution;  
 2        (e) any other reasonable conditions deemed necessary  
 3 for rehabilitation or for the protection of society;  
 4        (f) any combination of the above.  
 5        (2) Suspend execution of sentence up to the maximum  
 6 sentence allowed for the particular offense. The sentencing  
 7 judge may impose on the defendant any reasonable  
 8 restrictions during the period of suspended sentence. Such  
 9 reasonable restrictions may include:  
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 15 for rehabilitation or for the protection of society;  
 16        (f) any combination of the above.  
 17        If any restrictions or conditions are violated, any  
 18 elapsed time, except jail time, shall not be a credit  
 19 against the sentence, unless the court shall otherwise  
 20 order.  
 21        (3) Impose a fine as provided by law for the offense.  
 22        (4) Commit the defendant to a correctional institution  
 23 with or without fine by law for the offense.  
 24        (5) Impose any combination of subsections (2), (3), or  
 25        (4) above.

1 transmit such application to the review division and shall  
2 notify the judge who imposed the sentence, and the county  
3 attorney of the county in which the sentence was imposed.  
4 Such judge may transmit to the review division a statement  
5 of his reasons for imposing the sentence, and shall transmit  
6 such a statement within seven (7) days, if requested to do  
7 so by the review division. The review division may for  
8 cause shown consider any late request for review of sentence  
9 and may grant such request. The filing of an application  
10 for review shall not stay the execution of the sentence.

11 (2) A sentence of imprisonment required to be imposed  
12 under section 95-2206(5) may not be changed by the review  
13 division to a different type of sentence."

-End-

Approved by Committee  
on Judiciary

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19 against the sentence, unless the court shall otherwise  
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11 ~~(2)--A sentence of imprisonment required to be imposed~~  
12 ~~under--section--95-2286(5)--may not be changed by the review~~  
13 ~~division to a different type of sentence."~~

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*corrected*  
SECOND READING

1 transmit--such--application-to-the-review-division-and-shall  
2 notify-the-judge-who-imposed-the-sentence,-and-the-county  
3 attorney-of-the-county-in-which-the-sentence-was-imposed,  
4 Such-judge-may-transmit-to-the-review-division-a-statement  
5 of-his-reasons-for-imposing-the-sentence-and-shall-transmit  
6 such-a-statement-within-seven-(7)-days-if-requested-to-do  
7 so-by-the-review-division.--The-review-division-may-for  
8 cause-shown-consider-any-late-request-for-review-of-sentence  
9 and-may-grant-such-request.--The-filing-of-an-application  
10 for-review-shall-not-stay-the-execution-of-the-sentence.

11 (2)--A-sentence-of-imprisonment-required-to-be-imposed  
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1 ~~imposition of the sentence the clerk shall give written~~  
2 ~~notice to the person sentenced of his right to make such a~~  
3 ~~request. Such notice shall include a statement that review~~  
4 ~~of the sentence may result in decrease or increase of the~~  
5 ~~sentence within limits fixed by law. The clerk shall~~  
6 ~~transmit such application to the review division and shall~~  
7 ~~notify the judge who imposed the sentence and the county~~  
8 ~~attorney of the county in which the sentence was imposed.~~  
9 ~~Such judge may transmit to the review division a statement~~  
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