LC 0022

1 (d) restitution; 1 SENATE BILL NO. 21 (e) any other reasonable conditions deemed necessary 2 2 INTRODUCED BY TURNAGE 3 3 4 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SENTENCING 5 5 JUDGE TO IMPOSE A SENTENCE OF IMPRISONMENT FOR CERTAIN 6 6 CRIMES WHEN COMMITTED WITH A FIREARM OR KNIFE; PROVIDING 7 7 THAT THE SENTENCE REVIEW DIVISION CANNOT WAIVE THIS 8 REQUIREMENT; AMENDING SECTIONS 95-2206 AND 95-2502, R.C.M. 8 9 9 1947." 10 10 11 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 12 Section 1. Section 95-2206, R.C.M. 1947, is amended to 13 read as follows: 13 14 14 *95-2206. Sentence. Whenever any person has been found 15 15 quilty of a crime or offense upon a verdict or a plea of 16 quilty the court may: 16 17 17 (1) Defer imposition of sentence for a period not to 18 exceed one (1) year for any misdemeanor; for a period not to 18 19 exceed three (3) years for any felony. The sentencing judge 19 may impose upon the defendant any reasonable restrictions or 20 order. 20 21 conditions during the period of the deferred imposition. 21 22 Such reasonable restrictions or conditions may include: 22 23 23 (a) jail base release; 24 (b) jail time not to exceed ninety (90) days; 24 25 (4) above. (c) conditions for probation; 25

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for rehabilitation or for the protection of society; (f) any combination of the above. (2) Suspend execution of sentence up to the maximum sentence allowed for the particular offense. The sentencing judge may impose on the defendant any reasonable restrictions during the period of suspended sentence. Such reasonable restrictions may include: (a) jail base release; (b) jail time not to exceed (90) days; (c) conditions for probation; (d) restitution: (e) any other reasonable conditions deemed necessary for rehabilitation or for the protection of society; (f) any combination of the above. If any restrictions or conditions are violated, any elapsed time, except jail time, shall not be a credit against the sentence, unless the court shall otherwise (3) Impose a fine as provided by law for the offense. (4) Commit the defendant to a correctional institution with or without fine by law for the offense. (5) Impose any combination of subsections (2), (3), or -2-

INTRODUCED BILL

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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. Such judge may transmit to the review division a statement 4 5 of his reasons for imposing the sentence, and shall transmit such a statement within seven (7) days, if requested to do 6 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."

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Approved by Committee on Judiciary

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1	SENATE BILL NO. 21	1	(d) restitution;
2	INTRODUCED BY TURNAGE	2	(e) any other reasonable conditions deemed necessary
3		3	for rehabilitation or for the protection of society;
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SENTENCING	4	(f) any combination of the above.
5	JUDGE TO IMPOSE A SENTENCE OF IMPRISONMENT FOR CERTAIN	5	(2) Suspend execution of sentence up to the maximum
6	CRIMES WHEN COMMITTED WITH A FIREARM OR KNIFE; PROVIDING	6	sentence allowed for the particular offense. The sentencing
· 7	THATTHEBENTENCEREAIEW DI AICIONCANNOTMAIAETHIC	7	judge may impose on the defendant any reasonable
8	REQUIREMENT; AMENDING SECTION 95-2206, AND-95-2502;	8	restrictions during the period of suspended sentence. Such
9	R.C.M. 1947."	9	reasonable restrictions may include:
10		10	(a) jail base release;
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(b) jail time not to exceed (90) days;
12	Section 1. Section 95-2206, R.C.M. 1947, is amended to	12	(c) conditions for probation;
13	read as follows:	13	(d) restitution;
14	95-2206. Sentence. Whenever any person has been found	14	(e) any other reasonable conditions deemed necessary
15	guilty of a crime or offense upon a verdict or a plea of	15	for rehabilitation or for the protection of society;
16	guilty the court may:	16	(f) any combination of the above.
17	(1) Defer imposition of sentence for a period not to	17	If any restrictions or conditions are violated, any
18	exceed one (1) year for any misdemeanor; for a period not to	18	elapsed time, except jail time, shall not be a credit
19	exceed three (3) years for any felony. The sentencing judge	19	against the sentence, unless the court shall otherwise
20	may impose upon the defendant any reasonable restrictions or	20	order.
21	conditions during the period of the deferred imposition.	21	(3) Impose a fine as provided by law for the offense.
22	Such reasonable restrictions or conditions may include:	22	(4) Commit the defendant to a correctional institution
23	(a) jail base release;	23	with or without fine by law for the offense.
24	(b) jail time not to exceed ninety (90) days;	24	(5) Impose any combination of subsections (2), (3), or
25	(c) conditions for probation;	25	(4) above.
	SECOND READING		-2- SB 21

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SB

transmit such application to the review division and shall 1 notify the judge who imposed the sentence, and the county 2 3 attorney of the county in which the sentence was imposed. 4 Such judge may transmit to the review division a statement of his reasons for imposing the sentence, and shall transmit 5 such a statement within seven (7) days, if requested to do 6 so by the review division. The review division may for · 7 3 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-sentencer"

-End-

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Approved by Committee on Judiciary

1	SENATE BILL NO. 21	1	(d) restitution;
2	INTRODUCED BY TURNAGE	2	(e) any other reasonable conditions deemed necessary
3		3	for rehapilitation or for the protection of society;
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SENTENCING	4	(f) any combination of the above.
5	JUDGE TO IMPOSE A SENTENCE OF IMPRISONMENT FOR CERTAIN	5	(2) Suspend execution of sentence up to the maximum
6	CRIMES WHEN COMMITTED WITH A FIREARM OR KNIFE; PROVIDING	6	sentence allowed for the particular offense. The sentencing
7	THATTHESBNTBNCEREVIEWBIVISIONCANNOTWAIVETHIS	7	judge may impose on the defendant any reasonable
8	REQUIREMENT; MENDING SECTION 95-2206, AND-95-2502;	8	restrictions during the period of suspended sentence. Such
9	R.C.M. 1947."	9	reasonable restrictions may include:
10		10	(a) jail base release;
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(b) jail time not to exceed (90) days;
12	Section 1. Section 95-2206, R.C.M. 1947, is amended to	12	(c) conditions for probation;
13	read as follows:	13	(d) restitution;
14	"95-2206. Sentence. Whenever any person has been found	14	(e) any other reasonable conditions deemed necessary
15	guilty of a crime or offense upon a verdict or a plea of	15	for rehabilitation or for the protection of society;
16	guilty the court may:	16	(f) any combination of the above.
17	(1) Defer imposition of sentence for a period not to	17	If any restrictions or conditions are violated, any
18	exceed one (1) year for any misdemeanor; for a period not to	18	elapsed time, except jail time, shall not be a credit
19	exceed three (3) years for any felony. The sentencing judge	19	against the sentence, unless the court shall otherwise
20	may impose upon the defendant any reasonable restrictions or	20	order.
21	conditions during the period of the deferred imposition.	21	(3) Impose a fine as provided by law for the offense.
22	Such reasonable restrictions or conditions may include:	22	(4) Commit the defendant to a correctional institution
23	(a) jail base release;	23	with or without fine by law for the offense.
24	(v) jail time not to exceed ninety (90) days;	24	(5) Impose any combination of subsections (2), (3), or
25	(c) conditions for probation;	25	(4) above.
	CORRECTED SECOND READING		-2- SB 21

SB 0021/02

1	transmitsuchapplication-to-the-review-division-and-shall
2	notify-the-judge-who-imposed-the-sentence;andthecounty
3.	attorney-ofthecounty-in-which-the-sentence-was-imposed.
4	Such-judge-may-transmit-to-the-review-divisionastatement
5	of-his-reasons-for-imposing-the-sentence,-and-shall-transmit
6	suchastatement-within-seven-{7}-daysy-if-requested-to-do
7	so-by-the-review-divisionThereviewdivisionmayfor
8	cause-shown-consider-any-late-request-for-review-of-sentence
9	andmaygrantsuch-requestThe-filing-of-an-application
10	for-review-shall-not-stay-the-exception-of-the-sentencer
11	(2)A-sentence-of-imprisonment-required-to-beimposed
12	undersection95-2206(5)may-not-be-changed-by-the-review
13	division-to-a-different-type-of-sentence."

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-End-

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SB 21

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R.C.M. 1947."

read as follows:

guilty the court may:

(a) jail base release;

(c) conditions for probation;

SB 0021/03

SENATE BILL NO. 21

INTRODUCED BY TURNAGE

Such reasonable restrictions or conditions may include:

(b) jail time not to exceed ninety (90) days;

1 (d) restitution: 2 (e) any other reasonable conditions deemed necessary 3 for rehabilitation or for the protection of society; A BILL FOR AN ACT ENTITLED: "AN ACT REOUIRING A SENTENCING 4 (f) any combination of the above. JUDGE TO IMPOSE A SENTENCE OF IMPRISONMENT FOR CERTAIN 5 (2) Suspend execution of sentence up to the maximum CRIMES WHEN COMMITTED WITH A FIREARM OR KNIFE; PROVIDING 6 sentence allowed for the particular offense. The sentencing THAT---THE---BENTENCE--REVIEW--BIVIGION--CANNOT--WAIVE--THIS 7 judge may impose on the defendant any reasonable REQUIREMENT; AMENDING SECTION 95-2206, AND-95-25027 8 restrictions during the period of suspended sentence. reasonable restrictions may include: 9 10 (a) jail base release; BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 (b) jail time not to exceed (90) days; 12 Section 1. Section 95-2206, R.C.M. 1947, is amended to (c) conditions for probation; 13 (d) restitution; "95-2206. Sentence. Whenever any person has been found 14 (e) any other reasonable conditions deemed necessary guilty of a crime or offense upon a verdict or a plea of 15 for rehabilitation or for the protection of society; 16 (f) any combination of the above. (1) Defer imposition of sentence for a period not to 17 If any restrictions or conditions are violated, any 18 elapsed time, except jail time, shall not be a credit exceed one (1) year for any misdemeanor; for a period not to exceed three (3) years for any felony. The sentencing judge 19 against the sentence, unless the court shall otherwise may impose upon the defendant any reasonable restrictions or 20 order. conditions during the period of the deferred imposition. 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.

THIRD READING Such

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SB 21 SB 0021/03

1	imposition-of-the-sentencetheslerkshallgivewritten
2	noticetothe-person-sentenced-of-his-right-to-make-such-a
3	requestBuch-notice-shall-include-a-statement-thatreview
4	ofthesentencemay-result-in-decrease-or-increase-of-the
5	sentence-withinlimitsfixedbylawTheclerkshall
6	transmitsuchapplication-to-the-review-division-and-shall
7	notify-the-judge-who-imposed-the-sentence;andthecounty
8	attorneyofthecounty-in-which-the-sentence-was-imposed.
9	Such-judge-may-transmit-to-the-review-divisionastatement
10	of-his-reasons-for-imposing-the-sentencey-and-shall-transmit
11	suchastatement-within-seven-{7}-daysy-if-reguested-to-do
12	so-by-the-review-divisionThereviewdivisionmayfor
13	cause-shown-consider-any-late-request-for-review-of-sentence
14	andmaygrantsuch-request;The-filing-of-an-application
15	for-review-shall-not-stay-the-execution-of-the-sentence.
16	{2}A-sentence-of-imprisonment-required-to-beimposed
17	underscotion95-2206(5)may-not-bc-shanged-by-the-review
18	division-to-a-different-type-of-sentencer#

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