

1 *Senate* BILL NO. *278*
 2 INTRODUCED BY *Thomas Peterson, Mandy*
 3 *Naalho Aber, McCallum, Matthew Dwan*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE A NEW
 5 OFFENSE, "USE OF A DEADLY WEAPON IN THE COMMISSION OF AN
 6 OFFENSE", WHICH SHALL BE PUNISHED AS A SEPARATE OFFENSE."

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 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Use of a deadly weapon in the commission of
 10 an offense. (1) A person commits the offense of use of a
 11 deadly weapon in the commission of an offense if he uses a
 12 firearm, explosive device as defined in 69-1931, or other
 13 deadly weapon capable of causing serious bodily injury in
 14 the commission or attempted commission of deliberate or
 15 mitigated deliberate homicide, robbery, aggravated assault,
 16 sexual intercourse without consent, burglary, kidnapping, or
 17 aggravated kidnapping.

18 (2) A person convicted of an offense under subsection
 19 (1) shall be imprisoned in the state prison for a term of
 20 not less than 5 years or more than 10 years. A person
 21 convicted of a second violation of subsection (1) shall be
 22 imprisoned in the state prison for a term of not less than
 23 10 years or more than 15 years. A person convicted of a
 24 third violation of subsection (1) shall be imprisoned in the
 25 state prison for a term of not less than 15 years or more

1 than 25 years. A person convicted of a fourth or subsequent
 2 violation of subsection (1) shall be imprisoned in the state
 3 prison for life or for a term of not less than 25 years.

4 (3) The penalties prescribed in subsection (2) are in
 5 addition to any penalty imposed for the underlying offense
 6 of deliberate or mitigated deliberate homicide, robbery,
 7 aggravated assault, sexual intercourse without consent,
 8 burglary, kidnapping, or aggravated kidnapping. They shall
 9 run consecutively with any penalties imposed for the
 10 underlying offense.

-End-

INTRODUCED BILL

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