SENATE BILL 223

IN THE SENATE

January 24, 1979

April 20, 1979

Introduced and referred to Committee on Judiciary.

Died in Committee.

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LC 1257/01

INTRODUCED BY Thomas
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 46-18-404, MCA, RELATING TO DESIGNATION OF OFFENDERS AS NONDANGEROUS FOR PURPOSES OF PAROLE ELIGIBILITY, TO REVISE THE REQUIREMENTS FOR ELIGIBILITY FOR SUCH STATUS,"
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 46-18-404, MCA, is amended to read: #46-18-404. Designation as nondangerous offender for
purposes of parole eligibility。 (1) The sentencing court shall designate an offender a nondangerous offender for purposes of eligibility for parole under part 2 of chapter 23 if:
(a) during the 5 years preceding the commission of the offense for which the offender is being sentenced, the offender was neither convicted of nor incarcerated for an offense committed in this state or any other jurisdiction
for which a sentence to a term of imprisonment in excess of 1 year could have been imposed; or <u>and</u> (b) the court has determined, based on any presentence report and the evidence presented at the trial and the
sentencing hearing, that the offender does not represent a

25 substantial danger to other persons or society.

(2) A conviction or incarceration may not be
considered under subsection (1)(a) if:

3 (a) the offender was less than 18 years of age at the

4 time of the commission of the present offense; or

5 (b) the offender has been pardoned for the previous 6 offense on the grounds of innocence or the conviction for 7 such offense has been set aside in a postconviction 8 hearing."

-End-

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SB 223 INTRODUCED BILL