

SENATE BILL 349

IN THE SENATE

February 3, 1979

Introduced and referred to
Committee on Judiciary.

April 20, 1979

Died in Committee.

1 *Senate* BILL NO. *349*
 2 INTRODUCED BY *S. Brown Blaylock*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GIVE COURTS SPECIFIC
 5 AUTHORITY WHEN SENTENCING CRIMINAL DEFENDANTS TO IMPOSE
 6 CERTAIN CONDITIONS ON DEFERRED AND SUSPENDED SENTENCES;
 7 PROVIDING FOR PAYMENT OF A FINE, PAYMENT OF COSTS, AND
 8 COMMUNITY SERVICE; AMENDING SECTION 46-18-201, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 46-18-201, MCA, is amended to read:

12 "46-18-201. Sentences that may be imposed. (1)
 13 Whenever a person has been found guilty of an offense upon a
 14 verdict or a plea of guilty, the court may:

15 (a) defer imposition of sentence, excepting sentences
 16 for driving under the influence of alcohol or drugs, for a
 17 period not exceeding 1 year for any misdemeanor or for a
 18 period not exceeding 3 years for any felony. The sentencing
 19 judge may impose upon the defendant any reasonable
 20 restrictions or conditions during the period of the deferred
 21 imposition. Such reasonable restrictions or conditions may
 22 include:

- 23 (i) jail base release;
- 24 (ii) jail time not exceeding 90 days;
- 25 (iii) conditions for probation;

- 1 (iv) restitution;
- 2 ~~(v) payment of a fine;~~
- 3 ~~(vi) payment of costs;~~
- 4 ~~(vii) community service;~~
- 5 ~~(viii)~~ any other reasonable conditions considered
 6 necessary for rehabilitation or for the protection of
 7 society; or

8 ~~(ix)~~ any combination of the above.

9 (b) suspend execution of sentence up to the maximum
 10 sentence allowed for the particular offense. The sentencing
 11 judge may impose on the defendant any reasonable
 12 restrictions during the period of suspended sentence. Such
 13 reasonable restrictions may include:

- 14 (i) jail base release;
- 15 (ii) jail time not exceeding 90 days;
- 16 (iii) conditions for probation;
- 17 (iv) restitution;
- 18 ~~(v) payment of a fine;~~
- 19 ~~(vi) payment of costs;~~
- 20 ~~(vii) community service;~~
- 21 ~~(viii)~~ any other reasonable conditions considered
 22 necessary for rehabilitation or for the protection of
 23 society;

24 ~~(ix)~~ any combination of the above.

25 (c) impose a fine as provided by law for the offense;

1 (d) commit the defendant to a correctional institution
2 with or without a fine as provided by law for the offense;

3 (e) impose any combination of subsections (1)(b),
4 (1)(c), and (1)(d).

5 (2) If any restrictions or conditions imposed under
6 subsection (1)(a) or (1)(b) are violated, any elapsed time,
7 except jail time, shall not be a credit against the sentence
8 unless the court orders otherwise.

9 (3) Except as provided in 46-18-222, the imposition or
10 execution of the first 2 years of a sentence of imprisonment
11 imposed under the following sections may not be deferred or
12 suspended: 45-5-102(2), 45-5-103(2), 45-5-202(2),
13 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3),
14 45-9-101(2), 45-9-102(3), and 45-9-103(2)."

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