

HOUSE BILL NO. 20

INTRODUCED BY GOULD

BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS  
POLICY AND FACILITY NEEDS

IN THE HOUSE

January 6, 1981	Introduced and referred to Committee on Judiciary.
February 20, 1981	Committee recommend bill do pass as amended. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.  Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 91; Noes, 7. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Judiciary.
March 9, 1981	Committee recommend bill be concurrent in. Report adopted.
March 10, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

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March 13, 1981	Returned from Senate. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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 6    A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 7    46-18-221, MCA, TO PROVIDE THAT ADDITIONAL SENTENCES FOR  
 8    CRIMES COMMITTED WITH A DANGEROUS WEAPON ARE TO RUN  
 9    CONSECUTIVELY WITH THE SENTENCE PROVIDED FOR THE OFFENSE."

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

12            Section 1. Section 46-18-221, MCA, is amended to read:

13            "46-18-221. Additional sentence for offenses committed  
 14    with a dangerous weapon. (1) A person who has been found  
 15    guilty of any offense and who, while engaged in the  
 16    commission of the offense, knowingly displayed, brandished,  
 17    or otherwise used a firearm, destructive device, as defined  
 18    in 45-8-332(1), or other dangerous weapon shall, in addition  
 19    to the punishment provided for the commission of such  
 20    offense, be sentenced to a term of imprisonment in the state  
 21    prison of not less than 2 years or more than 10 years,  
 22    except as provided in 46-18-222.

23            (2) A person convicted of a second or subsequent  
 24    offense under this section shall, in addition to the  
 25    punishment provided for the commission of the present

1    offense, be sentenced to a term of imprisonment in the state  
 2    prison of not less than 4 years or more than 20 years,  
 3    except as provided in 46-18-222. For the purposes of this  
 4    subsection, the following persons shall be considered to  
 5    have been convicted of a previous offense under this  
 6    section:

7            (a) a person who has previously been convicted of an  
 8    offense, committed on a different occasion than the present  
 9    offense, under 18 U.S.C. 924(c); and

10            (b) a person who has previously been convicted of an  
 11    offense in this or another state, committed on a different  
 12    occasion than the present offense, during the commission of  
 13    which he knowingly displayed, brandished, or otherwise used  
 14    a firearm, destructive device, as defined in 45-8-332(1), or  
 15    other dangerous weapon.

16            (3) The imposition or execution of the minimum  
 17    sentences prescribed by this section may not be deferred or  
 18    suspended, except as provided in 46-18-222.

19            (4) An additional sentence prescribed by this section  
 20    shall run consecutively with the sentence provided for the  
 21    offense."

-End-

Approved by Committee  
on Judiciary

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