

HOUSE BILL NO. 315

INTRODUCED BY GOULD

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 19, 1981	Introduced and referred to Committee on Judiciary.
January 29, 1981	Committee recommend bill do pass. Report adopted.
January 30, 1981	Bill printed and placed on members' desks.
February 2, 1981	Second reading, do pass.
February 3, 1981	Considered correctly engrossed.
February 4, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 5, 1981	Introduced and referred to Committee on Judiciary.
March 4, 1981	Committee recommend bill be concurred in. Report adopted.
March 6, 1981	Second reading, concurred in.
March 9, 1981	Third reading, concurred in. Ayes, 40; Noes, 4.

IN THE HOUSE

March 10, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

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HOUSE

BILL NO. 315

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BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ESCAPE FROM A HALFWAY HOUSE, LIFE SKILLS CENTER, OR FURLOUGH PLACEMENT CONSTITUTES FELONY ESCAPE; AMENDING SECTION 45-7-306, MCA."

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

Section 1. Section 45-7-306, MCA, is amended to read:

"45-7-306. Escape. (1) "Official detention" means imprisonment which resulted from a conviction for an offense, confinement for an offense, confinement of a person charged with an offense, detention by a peace officer pursuant to arrest, detention for extradition or deportation, or any lawful detention for the purpose of the protection of the welfare of the person detained or for the protection of society. "Official detention" does not include supervision of probation or parole, constraint incidental to release on bail, or an unlawful arrest unless the person arrested employed physical force, a threat of physical force, or a weapon to escape.

(2) A person subject to official detention commits the offense of escape if he knowingly or purposely removes

himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited time.

(3) A person convicted of the offense of escape shall be:

(a) imprisoned in the state prison for a term not to exceed 20 years if he escapes from a state prison, county jail, or city jail by the use or threat of force, physical violence, weapon, or simulated weapon;

(b) imprisoned in the state prison for a term not to exceed 10 years if he:

(i) escapes from a state prison, county jail, or city jail, halfway house, life skills center, or furlough placement; or

(ii) escapes from another official detention by the use or threat of force, physical violence, weapon, or simulated weapon; or

(c) fined not to exceed \$500 or imprisoned in the county jail for a term not to exceed 6 months, or both, if he commits escape under circumstances other than (a) and (b) of this subsection."

-End-

-2- INTRODUCED BILL

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Approved by Committee on Judiciary

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-End-

-2- SECOND READING
HB 315

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24 (2) A person subject to official detention commits the
 25 offense of escape if he knowingly or purposely removes

1 himself from official detention or fails to return to
 2 official detention following temporary leave granted for a
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4 (3) A person convicted of the offense of escape shall
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