

House Bill 606

In The House

February 2, 1981

Introduced and referred
to Committee on Judiciary.

April 23, 1981

Died in Committee.

1 HOUSE BILL NO. 606
2 INTRODUCED BY *D. O'Brien Underhammer Higgins*
3 *Loggins Curtis*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LESSEN THE INCIDENCE
5 OF CRIME AGAINST THE ELDERLY BY PROVIDING AN INCREASED
6 PRISON TERM FOR PERSONS CONVICTED OF CERTAIN CRIMES AGAINST
7 PERSONS 60 YEARS OF AGE OR OLDER; AMENDING SECTION
8 46-18-201, MCA; AND PROVIDING FOR COORDINATION."

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) any other reasonable conditions considered
3 necessary for rehabilitation or for the protection of
4 society; or

5 (vi) any combination of the above;

6 (b) suspend execution of sentence up to the maximum
7 sentence allowed for the particular offense. The sentencing
8 judge may impose on the defendant any reasonable
9 restrictions during the period of suspended sentence. Such
10 reasonable restrictions may include any of those listed in
11 subsections (1)(a)(i) through (1)(a)(vi).

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

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

15 (e) impose any combination of subsections (1)(b),
16 (1)(c), and (1)(d).

17 (2) If any restrictions or conditions imposed under
18 subsection (1)(a) or (1)(b) are violated, any elapsed time,
19 except jail time, is not a credit against the sentence
20 unless the court orders otherwise.

21 (3) Except as provided in 46-18-222, the imposition or
22 execution of the first 2 years of a sentence of imprisonment
23 imposed under the following sections may not be deferred or
24 suspended: 45-5-103(2), 45-5-202(2), 45-5-302(2),
25 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3), 45-9-101(2)

1 and (3), 45-9-102(3), and 45-9-103(2).

2 (4) Except as provided in 46-18-222, the imposition or
3 execution of the first 10 years of a sentence of
4 imprisonment imposed under 45-5-102(2) may not be deferred
5 or suspended.

6 ~~(5) Except as provided in 46-18-222, any person who~~
7 ~~commits the crime of deliberate homicide, mitigated~~
8 ~~deliberate homicide, assault, aggravated assault,~~
9 ~~intimidation, unlawful restraint, kidnapping, aggravated~~
10 ~~kidnapping, robbery, sexual assault, sexual intercourse~~
11 ~~without consent, burglary, theft, theft of labor or~~
12 ~~services, issuing a bad check, deceptive practices or~~
13 ~~deceptive business practices against any person who is 60~~
14 ~~years of age or older shall be punished by imprisonment in~~
15 ~~the county jail or state prison, whichever is applicable,~~
16 ~~for a term equal to the minimum term of imprisonment~~
17 ~~prescribed by statute for the crime or 6 months, whichever~~
18 ~~is greater, in addition to the term of imprisonment~~
19 ~~otherwise imposed for the offense. The imposition or~~
20 ~~execution of this additional term may not be deferred or~~
21 ~~suspended and shall run consecutively to any other sentence~~
22 ~~imposed for the enumerated offense. This provision does not~~
23 ~~create any separate offense but provides an additional~~
24 ~~penalty for the primary offense, imposition for which is~~
25 ~~contingent upon a verdict or plea of guilty."~~

1 Section 2. Coordinating instruction. This act does not
2 take effect if House Bill No. 10 is passed and approved
3 containing an increased penalty provision for offenders who
4 victimize persons 65 years of age or older.

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