HOUSE BILL NO. 773

INTRODUCED BY KEEDY, KEMMIS

IN THE HOUSE

February 14, 1981	Introduced and referred to Committee on Judiciary.
February 23, 1981	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 25, 1981	Second reading, do pass.
	On motion rules suspended and bill placed on third reading this day.
	Third reading, passed. Ayes, 95; Noes, 3. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Judiciary.
March 23, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 25, 1981	Motion pass consideration.
March 26, 1981	Second reading, concurred in.
March 28, 1981	Third reading, concurred in as amended. Ayes, 42; Noes, 7.

IN THE HOUSE

March 28, 1981   Returned from Senate with amendments.

April 8, 1981   Second reading, amendments concurred in.

April 9, 1981   Third reading, amendments concurred in. Ayes, 97; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1   HOUSE ____ BILL NO. __773__

2   INTRODUCED BY _Keedi|Kamma_____

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE

5   RECORDING AND DISTRIBUTION OF SENTENCING DATA PERTAINING TO

6   THE PERFORMANCE OF DISTRICT COURT JUDGES."

7

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

9   Section 1. Transmittal of sentencing data to supreme

10   court -- compilation. (1) Except as provided in subsection

11   (2), the clerk of district court shall record on forms

12   provided by the clerk of the supreme court the following

13   sentencing data for each defendant sentenced:

14   (a) the name of the case;

15   (b) the fine or imprisonment, or both, allowed by law;

16   (c) the actual fine or imprisonment, or both, imposed;

17   (d) the percentage of fine or imprisonment, or both,

18   allowed by law that is actually imposed;

19   (e) the amount of fine or number of years of

20   imprisonment, or both, that are suspended; and

21   (f) the percentage of fine or imprisonment, or both,

22   imposed that is suspended.

23   (2) Whenever a sentence of death or of life

24   imprisonment is allowed by law, this fact must be shown in

25   the report, together with the case name and the actual

1   sentence imposed.

2   (3) The clerk of district court shall report the names

3   of the cases in which sentencing was deferred.

4   (4) The clerk of district court shall report the

5   reasons given by the judge for the disposition of every

6   case.

7   (5) The sentencing judge shall sign the form

8   containing the information recorded by the clerk of district

9   court pursuant to this section.

10   (6) The clerk of district court shall on a monthly

11   basis total for each judge the data recorded pursuant to

12   subsection (1) or (2), sign the report, and forward all such

13   data to the clerk of the supreme court.

14   (7) The clerk of the supreme court shall compile the

15   reports submitted by the district court clerks and

16   distribute the data to all district court clerks and any

17   interested party on a quarterly basis.

18   (8) The clerk of the supreme court shall provide a

19   form for the recording of data required by this section.

-End-

INTRODUCED BILL

HB 773

Approved by Committee
on Judiciary

1   HOUSE BILL NO. 773

2   INTRODUCED BY KEEDY, KEMMIS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE

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10 court -- compilation. (1) Except as provided in subsection

11 (2), the clerk of district court shall record on forms

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13 sentencing data for each defendant sentenced:

14   (a) the name of the case;

15   (b) the fine or imprisonment, or both, allowed by law;

16   (c) the actual fine or imprisonment, or both, imposed;

17   (d) the percentage of fine or imprisonment, or both,

18 allowed by law that is actually imposed;

19   (e) the amount of fine or number of years of

20 imprisonment, or both, that are suspended; and

21   (f) the percentage of fine or imprisonment, or both,

22 imposed that is suspended.

23   (2) Whenever a sentence of death or of life

24 imprisonment is allowed by law, this fact must be shown in

25 the report, together with the case name and the actual

1 sentence imposed.

2   (3) The clerk of district court shall report the names

3 of the cases in which sentencing was deferred.

4   (4) The clerk of district court shall report the

5 reasons given by the judge for the disposition of every

6 case.

7   (5) The sentencing judge shall sign the form

8 containing the information recorded by the clerk of district

9 court pursuant to this section.

10   (6) The clerk of district court shall on a monthly

11 basis total for each judge the data recorded pursuant to

12 subsection (1) or (2), sign the report, and forward all such

13 data to the clerk of the supreme court.

14   (7) The clerk of the supreme court shall compile the

15 reports submitted by the district court clerks and

16 distribute the data to all district court clerks and any

17 interested party on a-quarterly-basis APRIL 1 OF EACH YEAR.

18   (8) The clerk of the supreme court shall provide a

19 form for the recording of data required by this section.

-End-

SECOND READING

1   HOUSE BILL NO. 773

2   INTRODUCED BY KEEDY, KEMMIS

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4   A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE

5   RECORDING AND DISTRIBUTION OF SENTENCING DATA PERTAINING TO

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10   court -- compilation. (1) Except as provided in subsection

11   (2), the clerk of district court shall record on forms

12   provided by the clerk of the supreme court the following

13   sentencing data for each defendant sentenced:

14   (a) the name of the case;

15   (b) the fine or imprisonment, or both, allowed by law;

16   (c) the actual fine or imprisonment, or both, imposed;

17   (d) the percentage of fine or imprisonment, or both,

18   allowed by law that is actually imposed;

19   (e) the amount of fine or number of years of

20   imprisonment, or both, that are suspended; and

21   (f) the percentage of fine or imprisonment, or both,

22   imposed that is suspended.

23   (2) Whenever a sentence of death or of life

24   imprisonment is allowed by law, this fact must be shown in

25   the report, together with the case name and the actual

1   sentence imposed.

2   (3) The clerk of district court shall report the names

3   of the cases in which sentencing was deferred.

4   (4) The clerk of district court shall report the

5   reasons given by the judge for the disposition of every

6   case.

7   (5) The sentencing judge shall sign the form

8   containing the information recorded by the clerk of district

9   court pursuant to this section.

10   (6) The clerk of district court shall on a monthly

11   basis total for each judge the data recorded pursuant to

12   subsection (1) or (2), sign the report, and forward all such

13   data to the clerk of the supreme court.

14   (7) The clerk of the supreme court shall compile the

15   reports submitted by the district court clerks and

16   distribute the data to all district court clerks and any

17   interested party on a-quarterly-basis APRIL 1 OF EACH YEAR.

18   (8) The clerk of the supreme court shall provide a

19   form for the recording of data required by this section.

                              -End-

THIRD READING

HOUSE BILL NO. 773

INTRODUCED BY KEEDY, KEMMIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
RECORDING AND DISTRIBUTION OF SENTENCING DATA PERTAINING TO
THE PERFORMANCE OF DISTRICT COURT JUDGES."

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

    Section 1. Transmittal of sentencing data to supreme
court -- compilation. (1) Except as provided in subsection
(2), the clerk of district court shall record on forms
provided by the clerk of the supreme court the following
sentencing data for each defendant sentenced:

    (a) the name of the case;

    (B) WHETHER THE CONVICTION WAS BY VERDICT OR PLEA;

    ~b~(C) the fine or imprisonment, or both, allowed by
law;

    ~c~(D) the actual fine or imprisonment, or both,
imposed;

    ~d~(E) the percentage of fine or imprisonment, or
both, allowed by law that is actually imposed;

    ~e~(F) the amount of fine or number of years of
imprisonment, or both, that are suspended; and

    ~f~(G) the percentage of fine or imprisonment, or
both, imposed that is suspended.

    (2) Whenever a sentence of death or of life
imprisonment is allowed by law, this fact must be shown in
the report, together with the case name and the actual
sentence imposed.

    (3) The clerk of district court shall report the names
of the cases in which sentencing was deferred.

    (4) The clerk of district court shall report the
reasons given by the judge for the disposition of every case
BY ATTACHING AN EXTRACT OF THAT PORTION OF THE JUDGMENT
SETTING FORTH THE BASIS FOR THE SENTENCE.

    (5) The sentencing judge shall sign the form
containing the information recorded by the clerk of district
court pursuant to this section.

    (6) The clerk of district court shall on a ~monthly~
QUARTERLY basis total for each judge the data recorded
pursuant to subsection (1) ~or~ AND (2), sign the report, and
forward all such data to the clerk of the supreme court.

    (7) The clerk of the supreme court shall compile the
reports submitted by the district court clerks and
distribute the data to all district court clerks and any
interested party on ~a-quarterly-basis~ APRIL 1 OF EACH YEAR.

    (8) The clerk of the supreme court shall provide a
form for the recording of data required by this section.

                            -End-

REFERENCE BILL

March 23, 1981

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 773 be amended as follows:

1. Page 1, following line 14.
Insert: "(b) whether the conviction was by verdict or plea;"
Renumber: subsequent subsections

2. Page 2, line 6.
Following: "case"
Insert: "by attaching an extract of that portion of the judgment
    setting forth the basis for the sentence"

3. Page 2, line 10.
Following: "a"
Strike: "monthly"
Insert: "quarterly"

4. Page 2, line 12.
Following: "(1)"
Strike: "or"
Insert: "and"