

Senate Bill 8

In The Senate

January 5, 1981	Introduced and referred to Committee on Judiciary.
January 8, 1981	Committee recommend bill do pass.
January 9, 1981	Bill printed and placed on members' desks.
January 10, 1981	Second reading do pass.
January 12, 1981	Considered correctly engrossed.
January 13, 1981	Third reading passed.

In The House

January 15, 1981	Introduced and referred to Committee on Judiciary.
April 23, 1981	Died in Committee.

1 SENATE BILL NO. 8
 2 INTRODUCTION BY VAN VALKENBURG
 3 BY REQUEST OF
 4 COMMITTEE ON CORRECTIONS POLICY AND FACILITY NEEDS

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE TO 5 YEARS
 7 THE MAXIMUM PERIOD FOR DEFERRED IMPOSITION OF A SENTENCE FOR
 8 A FELONY; 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) Whenever
 13 a person has been found guilty of an offense upon a verdict
 14 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 5 years for any felony. The
 19 sentencing judge may impose upon the defendant any
 20 reasonable restrictions or conditions during the period of
 21 the deferred imposition. Such reasonable restrictions or
 22 conditions may 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)

LC 0035/01

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.*

-End-

Approved by Committee
on Judiciary

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-2- SECOND READING
SB 8

LC 0035/01

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