

HOUSE BILL NO. 369

INTRODUCED BY SANDS

BY REQUEST OF THE TASK FORCE ON CORRECTIONS

IN THE HOUSE

January 19, 1983	Introduced and referred to Committee on Judiciary.
January 27, 1983	Committee recommend bill do pass as amended. Report adopted.
January 28, 1983	Bill printed and placed on members' desks.
January 31, 1983	Second reading, do pass.
February 1, 1983	Considered correctly engrossed.
February 2, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 3, 1983	Introduced and referred to Committee on Judiciary.
February 10, 1983	Committee recommend bill be concurred in. Report adopted.
February 12, 1983	Second reading, concurred in.
February 15, 1983	Third reading, concurred in. Ayes, 46; Noes, 3.

IN THE HOUSE

February 15, 1983	Returned to House.
February 16, 1983	Sent to enrolling. Reported correctly enrolled.

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4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A JUDGE TO
6 STATE HIS REASONS FOR IMPOSING A SENTENCE; AMENDING SECTION
7 46-18-102, MCA."
8

9 WHEREAS, a defendant and the general public are
10 entitled to know precisely why a judge has imposed a
11 particular sentence; and

12 WHEREAS, a statement of reasons for imposing a sentence
13 provides valuable information in postconviction proceedings
14 before the Montana Supreme Court and the Sentence Review
15 Division; and

16 WHEREAS, the Montana Supreme Court has ruled that
17 failure of the trial judge to specify his reasons for a
18 sentence is an abuse of judicial discretion.

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

21 Section 1. Section 46-18-102, MCA, is amended to read:
22 "46-18-102. Rendering judgment and pronouncing
23 sentence. (1) The judgment shall be rendered in open court.

24 (2) If the verdict or finding is not guilty, judgment
25 shall be rendered immediately and the defendant shall be

1 discharged from custody or from the obligation of his bail
2 bond.

3 (3) ~~(a)~~ If the verdict or finding is guilty, sentence
4 shall be pronounced and judgment rendered within a
5 reasonable time.

6 ~~(b) When the sentence is pronounced, the judge shall~~
7 ~~clearly and explicitly state in detail for the record his~~
8 ~~reasons for imposing the sentence."~~

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Approved by committee
on Judiciary

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REFERENCE BILL