

HOUSE BILL NO. 370

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 31, 1983	Committee recommend bill do pass as amended. Report adopted.
February 1, 1983	Bill printed and placed on members' desks.
February 2, 1983	Second reading, do pass as amended.
February 3, 1983	Correctly engrossed.
February 4, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 5, 1983	Introduced and referred to Committee on Judiciary.
March 19, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 22, 1983	Second reading, pass consideration.
March 23, 1983	Second reading, concurred in.
March 25, 1983	Third reading, concurred in. Ayes, 43; Noes, 6.

IN THE HOUSE

March 25, 1983

Returned to House with  
amendments.

March 31, 1983

Second reading, amendments  
concurred in.

April 1, 1983

Third reading, amendments  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 370  
 2 INTRODUCED BY Sandoz  
 3 BY REQUEST OF THE TASK FORCE ON CORRECTIONS  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE A  
 6 CORRECTIONAL POLICY FOR THE STATE OF MONTANA; AMENDING  
 7 SECTION 46-18-101, MCA."  
 8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Section 46-18-101, MCA, is amended to read:  
 11 "46-18-101. Policy ~~liberal construction~~ Correction  
 12 policy. ~~This chapter shall be liberally construed to the end~~  
 13 (1) It is the purpose of this section to declare the  
 14 correctional policy of the state of Montana. Laws for the  
 15 punishment of crime and for the rehabilitation of the  
 16 convicted are drawn to implement the policy established by  
 17 this section.  
 18 (2) The correctional policy of the state of Montana is  
 19 to protect society by preventing crime through punishment  
 20 and rehabilitation of the convicted. The legislature finds  
 21 that an individual is responsible for and must be held  
 22 accountable for his actions. Corrections laws and programs  
 23 must be implemented to impress upon each individual his  
 24 responsibility for obeying the law. To achieve this end, it  
 25 is the policy of the state to assure that prosecution of

1 criminal offenses whenever probable cause exists and  
 2 punishment of the convicted are certain, timely, and  
 3 consistent. Furthermore, it is the state's policy that  
 4 persons convicted of a crime shall be dealt with in  
 5 accordance with their individual characteristics,  
 6 circumstances, needs, and potentialities.  
 7 (3) (a) Sentences imposed upon those convicted of  
 8 crime must be based primarily on the following:  
 9 (i) the crime committed;  
 10 (ii) the circumstances under which the crime was  
 11 committed; and  
 12 (iii) the criminal history of the offender.  
 13 (b) ~~that dangerous~~ Dangerous offenders who habitually  
 14 violate the law and victimize the public shall be removed  
 15 from society and correctively treated in custody for long  
 16 terms as needed; ~~and that other.~~ Other offenders shall be  
 17 dealt with by probation, suspended sentence, or fine  
 18 whenever such disposition appears practicable and not  
 19 detrimental to the needs of public safety and the welfare of  
 20 the individual. Whenever possible, sentences for offenders  
 21 shall include restitution to the victim, payment of costs as  
 22 provided in 46-18-232, and payment of costs of  
 23 court-appointed counsel as provided in 46-8-113.  
 24 (4) It is the policy of the state to make available  
 25 without discrimination a diversified range of treatment and

INTRODUCED BILL

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1 educational programs aimed at permanent rehabilitation of  
2 the offender. To further enhance the concept of individual  
3 responsibility, participation in any such program must be  
4 voluntary."

-End-

Approved by Committee  
on Judiciary

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SECTION 46-18-101, MCA."

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

Section 1. Section 46-18-101, MCA, is amended to read:

~~"46-18-101. Policy---liberal-construction Correction~~  
~~policy. This chapter shall be liberally construed to the end~~  
~~(1) It is the purpose of this section to declare the~~  
~~correctional policy of the state of Montana. Laws for the~~  
~~punishment of crime and for the rehabilitation of the~~  
~~convicted are drawn to implement the policy established by~~  
~~this section.~~

~~(2) The correctional policy of the state of Montana is~~  
~~to protect society by preventing crime through punishment~~  
~~and rehabilitation of the convicted. The legislature finds~~  
~~that an individual is responsible for and must be held~~  
~~accountable for his actions. Corrections laws and programs~~  
~~must be implemented to impress upon each individual his~~  
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~~criminal offenses OCCURS whenever probable cause exists and~~  
~~THAT punishment of the convicted are IS certain, timely, and~~  
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~~violate the law and victimize the public shall be removed~~  
~~from society and correctively treated in custody for long~~  
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~~dealt with by probation, suspended sentence, or fine~~  
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accordance with their individual characteristics,  
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(3) (a) Sentences imposed upon those convicted of  
crime must be based primarily on the following:

(i) the crime committed;

(iii) THE PROSPECTS OF REHABILITATION OF THE OFFENDER;

iiii (iii) the circumstances under which the crime was  
committed; and

iiii (iv) the criminal history of the offender.

(b) that--dangerous Dangerous offenders who habitually  
violate the law and victimize the public shall be removed  
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(4) It is the policy of the state to make available

1 ~~without discrimination a diversified range of treatment and~~  
2 ~~TREATMENT~~ AND educational programs aimed at permanent  
3 rehabilitation of the offender. ~~to further enhance the~~  
4 ~~concept of individual responsibility participation in any~~  
5 ~~such program must be voluntary."~~

-End-



March 19, 1983

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 370 be amended as follows:

1. Page 2, line 25.

Strike: subsection (4) in its entirety.

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3 ~~the offenders to further enhance the concept of individual~~  
4 ~~responsibility; participation in any such program must be~~  
5 ~~voluntary."~~

-End-