HOUSE BILL NO. 584

Introduced: 01/31/83

Referred to Committee on Judiciary: 01/31/83

Hearing: 2/9/83

Report: 2/10/83, Do Pass, As Amended

2nd Reading: 02/12/83, Do pass 3rd Reading: 02/15/83, Do Pass

Transmitted to Senate: 2/15/83

Referred to Committee on Judiciary: 02/16/83

Hearing: 3/15/83

Died in Senate Committee

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1	INTRODUCED BY Dame Box inft
2	INTRODUCED BY Dames Barbiell
3	BY REQUEST OF THE TASK FORCE ON CORRECTIONS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE
6	AGGRAVATING CIRCUMSTANCES UNDER WHICH THE DEATH PENALTY MAY
7	BE IMPOSED; AMENDING SECTION 46-18-303; MCA.*
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
0	Section 1. Section 46-18-303, MCA, is amended to read:
.1	*46-18-303. Aggravating circumstances. Aggravating
.2	circumstances are any of the following:
.3	(1) The offense was deliberate homicide and was
.4	committed by a person serving a sentence of imprisonment in
.5	the -state -prison a state correctional facility a county
.6	jail. or a city jail.
.7	(2) The offense was deliberate homicide and was
.8	committed by a defendant who had been previously convicted
9	of another deliberate homicide a felony involving the threat
0	or use of violence on another person-
1	(3) The offense was deliberate homicide, and was
2	committed by means of torture the victim was tortured during
3	the commission of the offense.
4	(4) The offense was deliberate bomicide and was

committed by a person lying in wait or ambush.

1	(5) The offense was deliberate homicide and wa
2	committed as a part of a scheme or operation which, i
3	completed, would result in the death of more than on
4	person.
5	(6) The offense was deliberate homicide as defined i
6	subsection (1)(a) of 45-5-102, and the victim was a peac
7	officer or firefighter killed while performing his duty.
8	(7) The offense was deliberate homicide and wa
9	committed in an especially beingus, atrocious, or crue
0	namec.
.1	(8) The offense was deliberate homicide and wa
.2	committed to disrupt or hinder the lawful exercise of an
3	governmental function.
4	19) The offense was deliberate homicide and wa
5	procured by payment or committed as consideration fo
6	receipt of payment.
7	(10) The offense was deliberate bomicide and wa
8	committed for purposes of avoiding or preventing arrest o
9	in escaping or attempting escape.
0	(11) The offense was deliberate bomicide and wa
1	committed by means of a destructive device as defined i
2	45-8-332 or explosive as defined in 50-38-101 that wa
3	concealed, and the defendant knew or should have known hi
	act would create a great risk of death.

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(12) The offense was deliberate homicide and was

1	committed by means of a destructive device as defined in
2	45-8-332 or explosive as defined in 50-38-101 that was sent
3	through the mail.
4	(13) The offense was deliberate homicide, and the
5	victim was a witness to a crime and was intentionally killed
6	to prevent his testifying in a criminal proceeding.
7	(14) The offense was deliberate homicide, and the
8	victim was a prosecutor or judge killed for retaliatory
9	purposes or to prevent the performance of his duty.
10	(15) The offense was deliberate homicides and the
11	victim was intentionally poisoned.
12	116) The offense was deliberate homicide, and the
13	victim was intentionally killed because of his sexe race.
14	color• religion• or dational origin•
15	(7)(17) The offense was aggravated kidnapping which

~End-

that resulted in the death of the victim."

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48th Legislature HB 0584/02

Approved by Committee on Judiciary

1	HOUSE BILL NO. 584
2	INTRODUCED BY HANNAH, SWIFT
3	BY REQUEST OF THE TASK FORCE ON CORRECTIONS
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11	<pre>"46-18-303. Aggravating circumstances. Aggravating</pre>
12	circumstances are any of the following:
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14	committed by a person serving a sentence of imprisonment in
15	thestateprison a_state_correctional_facilityx=a=county
16	jailwieriaitirijail.
17	(2) The offense was deliberate homicide and was
18	committed by a defendant who had been previously convicted
19	of another-deliberate-homicide <u>arfelony-involving-therthreat</u>
20	oc:use:of:xiolence::on::onother::nerson ANOIHERDELIBERAIE
21	HQHICIDE.
22	(3) The offense was deliberate homicide and was
23	committed-by-means-of-torture the victim was tortured during
24	the_commission_of_the_offense-
25	(4) The offense was deliberate homicide and was

1 committed by a person lying in wait or ambush.

- 2 (5) The offense was deliberate homicide and was 3 committed as a part of a scheme or operation which; if 4 completed, would result in the death of more than one 5 person.
- 6 (6) The offense was deliberate homicide as defined in
 7 subsection (1)(a) of 45-5-102, and the victim was a peace
 8 officer or_firefighter killed while performing his duty.
- 9 til::Ibe::pffense::was::deliberate::homicide::cod:::was
 10 codmitted::in::sn::especially::heidaus:::etrosious::or:cruel
 11 manners
- 12 f@:::Ib:::offense::was::de:iberate::homicide::and:::was
 13 committed::to::disrupt::or:hirder:tb::lawful:exercise:of.any
 14 governmental:functionx
- 15 f2i(7)_The_offense_was_deliberate_bomicide_and_was
 16 procured_by_payment_or_committed_as_consideration_for
 17 receipt_of_payment.
- 18 <u>ft0f(8)</u>_The_offense_was_deliberate_homicide_and_was 19 <u>committed_for_purposes_of_avoiding_or_preventing_arrest_or</u> 20 <u>in_escaping_or_attempting_escape</u>.
- committed by means of a destructive device as defined in 45-8-332 or explosive as defined in 50-38-101 that was concealed, and the defendant knew or should have known his

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25 act would create a great risk of death.

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HB 0584/02

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3	45-8-332_or_explosive_as_defined_in_50-38-101_that_wassent
4	through_the_mail*
5	filill The offense was deliberate homicide, and the
6	victim_was_a_witness_to_a_crime_and_was_intentionally_killed
7	to_prevent_his_testifying_in_a_criminal_proceeding.
8	titilll The offense was deliberate bomicides and the
9	xictim_was_a_prosecutor_or_judge_killed_for_retaliatory
10	purposes_or_to_prevent_the_performance_of_bis_duty.
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16	+₹₹±₹₹±₹₹±131 The offense was aggravated kidnapping which
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