

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

1 HOUSE BILL NO. 584
2 INTRODUCED BY Hanna
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:

10 Section 1. Section 46-18-303, MCA, is amended to read:

11 "46-18-303. Aggravating circumstances. Aggravating
12 circumstances are any of the following:

13 (1) The offense was deliberate homicide and was
14 committed by a person serving a sentence of imprisonment in
15 ~~the state prison~~ a state correctional facility, a county
16 jail, or a city jail.

17 (2) The offense was deliberate homicide and was
18 committed by a defendant who had been previously convicted
19 ~~of another deliberate homicide~~ a felony involving the threat
20 or use of violence on another person.

21 (3) The offense was deliberate homicide, and was
22 ~~committed by means of torture~~ the victim was tortured during
23 the commission of the offense.

24 (4) The offense was deliberate homicide and was
25 committed by a person lying in wait or ambush.

1 (5) The offense was deliberate homicide and was
2 committed as a part of a scheme or operation which, if
3 completed, would result in the death of more than one
4 person.

5 (6) The offense was deliberate homicide as defined in
6 subsection (1)(a) of 45-5-102, and the victim was a peace
7 officer ~~or firefighter~~ killed while performing his duty.

8 ~~(7) The offense was deliberate homicide and was~~
9 ~~committed in an especially heinous, atrocious, or cruel~~
10 ~~manner.~~

11 ~~(8) The offense was deliberate homicide and was~~
12 ~~committed to disrupt or hinder the lawful exercise of any~~
13 ~~governmental function.~~

14 ~~(9) The offense was deliberate homicide and was~~
15 ~~procured by payment or committed as consideration for~~
16 ~~receipt of payment.~~

17 ~~(10) The offense was deliberate homicide and was~~
18 ~~committed for purposes of avoiding or preventing arrest or~~
19 ~~in escaping or attempting escape.~~

20 ~~(11) The offense was deliberate homicide and was~~
21 ~~committed by means of a destructive device as defined in~~
22 ~~45-8-332 or explosive as defined in 50-38-101 that was~~
23 ~~concealed, and the defendant knew or should have known his~~
24 ~~act would create a great risk of death.~~

25 ~~(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 50-30-101 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 homicide and the
11 victim was intentionally poisoned.

12 (16) The offense was deliberate homicide and the
13 victim was intentionally killed because of his sex, race,
14 color, religion, or national origin.

15 (17) The offense was aggravated kidnapping which
16 that resulted in the death of the victim."

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 584

INTRODUCED BY HANNAH, SWIFT

BY REQUEST OF THE TASK FORCE ON CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE
AGGRAVATING CIRCUMSTANCES UNDER WHICH THE DEATH PENALTY MAY
BE IMPOSED; AMENDING SECTION 46-18-303, MCA."

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

Section 1. Section 46-18-303, MCA, is amended to read:

"46-18-303. Aggravating circumstances. Aggravating
circumstances are any of the following:

(1) The offense was deliberate homicide and was
committed by a person serving a sentence of imprisonment in
the--state--prison a--state--correctional--facility--a--county
jail--or--a--city--jail.

(2) The offense was deliberate homicide and was
committed by a defendant who had been previously convicted
of another--deliberate--homicide a--felony--involving--the--threat
or--use--of--violence--on--another--person ANOTHER DELIBERATE
HOMICIDE.

(3) The offense was deliberate homicide, and was
committed--by--means--of--torture the victim was tortured during
the commission of the offense.

(4) The offense was deliberate homicide and was

committed by a person lying in wait or ambush.

(5) The offense was deliberate homicide and was
committed as a part of a scheme or operation which, if
completed, would result in the death of more than one
person.

(6) The offense was deliberate homicide as defined in
subsection (1)(a) of 45-5-102, and the victim was a peace
officer or firefighter killed while performing his duty.

~~the offense was deliberate homicide and was
committed in an especially heinous, atrocious, or cruel
manner~~

~~the offense was deliberate homicide and was
committed to disrupt or hinder the lawful exercise of any
governmental function~~

~~191(7) The offense was deliberate homicide and was
procured by payment or committed as consideration for
receipt of payment.~~

~~191(8) The offense was deliberate homicide and was
committed for purposes of avoiding or preventing arrest or
in escaping or attempting escape.~~

~~191(9) The offense was deliberate homicide and was
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
act would create a great risk of death.~~

1 ~~§121(10) The offense was deliberate homicide and was~~
 2 ~~committed by means of a destructive device as defined in~~
 3 ~~45-8-332 or explosive as defined in 50-38-101 that was sent~~
 4 ~~through the mail.~~

5 ~~§131(11) 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 ~~§141(12) The offense was deliberate homicide and the~~
 9 ~~victim was a prosecutor or judge killed for retaliatory~~
 10 ~~purposes or to prevent the performance of his duty.~~

11 ~~§151 The offense was deliberate homicide and the~~
 12 ~~victim was intentionally poisoned.~~

13 ~~§161 The offense was deliberate homicide and the~~
 14 ~~victim was intentionally killed because of his sex race~~
 15 ~~color religion or national origin.~~

16 ~~§171(13) The offense was aggravated kidnapping which~~
 17 ~~that resulted in the death of the victim."~~

-End-

HOUSE BILL NO. 584

INTRODUCED BY HANNAH, SWIFT

BY REQUEST OF THE TASK FORCE ON CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE AGGRAVATING CIRCUMSTANCES UNDER WHICH THE DEATH PENALTY MAY BE IMPOSED; AMENDING SECTION 46-18-303, MCA."

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

Section 1. Section 46-18-303, MCA, is amended to read:

"46-18-303. Aggravating circumstances. Aggravating circumstances are any of the following:

(1) The offense was deliberate homicide and was committed by a person serving a sentence of imprisonment in the--state--prison a state correctional facility--a county jail--or a city jail.

(2) The offense was deliberate homicide and was committed by a defendant who had been previously convicted of another ~~deliberate homicide~~ a felony involving the threat or use of violence on another person ANOTHER DELIBERATE HOMICIDE.

(3) The offense was deliberate homicide, and was committed ~~by means of torture~~ the victim was tortured during the commission of the offense.

(4) The offense was deliberate homicide and was

committed by a person lying in wait or ambush.

(5) The offense was deliberate homicide and was committed as a part of a scheme or operation which, if completed, would result in the death of more than one person.

(6) The offense was deliberate homicide as defined in subsection (1)(a) of 45-5-102, and the victim was a peace officer or firefighter killed while performing his duty.

~~It is the offense was deliberate homicide and was committed in an especially heinous, atrocious or cruel manner~~

~~It is the offense was deliberate homicide and was committed to disrupt or hinder the lawful exercise of any governmental function~~

~~(7) The offense was deliberate homicide and was procured by payment or committed as consideration for receipt of payment.~~

~~(8) The offense was deliberate homicide and was committed for purposes of avoiding or preventing arrest or in escaping or attempting escape.~~

~~(9) The offense was deliberate homicide and was 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 act would create a great risk of death.~~

1 ~~1121(10) The offense was deliberate homicide and was~~
 2 ~~committed by means of a destructive device as defined in~~
 3 ~~45-2-312 or explosive as defined in 50-38-101 that was sent~~
 4 ~~through the mail.~~

5 ~~1131(11) 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 ~~1141(12) The offense was deliberate homicide and the~~
 9 ~~victim was a prosecutor or judge killed for retaliatory~~
 10 ~~purposes or to prevent the performance of his duty.~~

11 ~~1151 The offense was deliberate homicide and the~~
 12 ~~victim was intentionally poisoned.~~

13 ~~1161 The offense was deliberate homicide and the~~
 14 ~~victim was intentionally killed because of his sex race~~
 15 ~~color religion or national origin.~~

16 ~~1171(13) The offense was aggravated kidnapping which~~
 17 ~~that resulted in the death of the victim."~~

-End-