

SENATE BILL NO. 409

INTRODUCED BY BERG, HALLIGAN, TURNAGE,  
CRIPPEN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

February 14, 1983	Introduced and referred to Committee on Judiciary.
February 18, 1983	Committee recommend bill do pass as amended. Report adopted.
February 19, 1983	Bill printed and placed on members' desks.
February 21, 1983	Second reading, do pass.
February 22, 1983	Correctly engrossed.
February 23, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Judiciary.
March 10, 1983	Committee recommend bill be concurred in. Report adopted.
March 11, 1983	Second reading, concurred in.
March 14, 1983	Third reading, concurred in.

IN THE SENATE

March 15, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

1 *Asate* BILL NO. *409*  
 2 INTRODUCED BY *Berg Tallya Turner*  
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A  
 6 PETITION TO REVOKE A DEFERRED OR SUSPENDED SENTENCE BE FILED  
 7 DURING THE PERIOD OF DEFERRAL OR SUSPENSION; CONTINUING  
 8 JURISDICTION TO REVOKE IF THE PERIOD OF DEFERRAL OR  
 9 SUSPENSION EXPIRES AFTER THE PETITION IS FILED; AMENDING  
 10 SECTION 46-18-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 11 DATE AND AN APPLICABILITY DATE."  
 12

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

14 Section 1. Section 46-18-203, MCA, is amended to read:

15 "46-18-203. Revocation of suspended or deferred  
 16 sentence. (1) A judge, magistrate, or justice of the peace  
 17 who has suspended the execution of a sentence or deferred  
 18 the imposition of a sentence of imprisonment under 46-18-201  
 19 or his successor is authorized ~~during the period of the~~  
 20 ~~suspended sentence or deferred imposition of sentence~~ in  
 21 his discretion to revoke the suspension or impose sentence  
 22 and order the person committed. He may also, in his  
 23 discretion, order the prisoner placed under the jurisdiction  
 24 of the department of institutions as provided by law or  
 25 retain such jurisdiction with his court.

1 (2) ~~A petition seeking revocation of a suspended~~  
 2 ~~sentence or imposition of a sentence previously deferred~~  
 3 ~~must be filed with the sentencing court during the period of~~  
 4 ~~suspension or deferral. Expiration of the period of~~  
 5 ~~suspension or deferral after the petition is filed does not~~  
 6 ~~deprive the court of jurisdiction to rule on the petition.~~

7 (3) Prior to the revocation of an order suspending or  
 8 deferring the imposition of sentence, the person affected  
 9 shall be given a hearing."

10 ~~NEW SECTION.~~ Section 2. Applicability date. Section 1  
 11 applies to any petition filed after the effective date of  
 12 this act.

13 ~~NEW SECTION.~~ Section 3. Effective date. This act is  
 14 effective on passage and approval.

-End-

Approved by Committee  
on Judiciary

## SENATE BILL NO. 409

INTRODUCED BY BERG, HALLIGAN, TURNAGE,

CRIPPEN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~CLASSIFYING THE LAW~~  
~~REGARDING THE REVOCATION OF A DEFERRED OR SUSPENDED~~  
~~SENTENCE~~; REQUIRING THAT A PETITION TO REVOKE A DEFERRED OR  
SUSPENDED SENTENCE BE FILED DURING THE PERIOD OF DEFERRAL OR  
SUSPENSION; CONTINUING JURISDICTION TO REVOKE IF THE PERIOD  
OF DEFERRAL OR SUSPENSION EXPIRES AFTER THE PETITION IS  
FILED; AMENDING SECTION 46-18-203, MCA; AND PROVIDING AN  
IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 46-18-203, MCA, is amended to read:

"46-18-203. Revocation of suspended or deferred  
sentence. (1) A judge, magistrate, or justice of the peace  
who has suspended the execution of a sentence or deferred  
the imposition of a sentence of imprisonment under 46-18-201  
or his successor is authorized ~~during the period of the~~  
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his discretion, to revoke the suspension or impose sentence  
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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW REGARDING THE REVOCATION OF A DEFERRED OR SUSPENDED SENTENCE; REQUIRING THAT A PETITION TO REVOKE A DEFERRED OR SUSPENDED SENTENCE BE FILED DURING THE PERIOD OF DEFERRAL OR SUSPENSION; CONTINUING JURISDICTION TO REVOKE IF THE PERIOD OF DEFERRAL OR SUSPENSION EXPIRES AFTER THE PETITION IS FILED; AMENDING SECTION 46-18-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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of the department of institutions as provided by law or retain such jurisdiction with his court.

(2) A petition seeking revocation of a suspended sentence or imposition of a sentence previously deferred must be filed with the sentencing court during the period of suspension or deferral. Expiration of the period of suspension or deferral after the petition is filed does not deprive the court of jurisdiction to rule on the petition.

(3) Prior to the revocation of an order suspending or deferring the imposition of sentence, the person affected shall be given a hearing."

NEW SECTION. Section 2. Applicability date. Section 1 applies to any petition filed after the effective date of this act.

NEW SECTION. Section 3. Effective date. This act is effective on passage and approval.

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