

HOUSE BILL NO. 644

INTRODUCED BY NATHE

IN THE HOUSE

February 2, 1985	Introduced and referred to Committee on Judiciary.
February 4, 1985	Fiscal Note requested.
February 7, 1985	Fiscal Note returned.
February 11, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 13, 1985	Second reading, do pass. Considered correctly engrossed.
February 14, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 15, 1985	Introduced and referred to Committee on Judiciary.
March 11, 1985	Committee recommend bill be concurrent in. Report adopted.
March 13, 1985	Second reading, concurred in.
March 15, 1985	Third reading, concurred in. Ayes, 48; Noes, 0. Returned to House.

IN THE HOUSE

March 16, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A
5 PRESENTENCE INVESTIGATION OF A PERSON CONVICTED OF
6 COMMITTING A SEX OFFENSE AGAINST A VICTIM LESS THAN 16 YEARS
7 OLD; AMENDING SECTION 46-18-111, MCA."

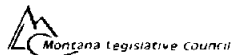
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 46-18-111, MCA, is amended to read:

11 "46-18-111. Presentence investigation. No defendant
12 convicted of ~~a--crime-which-may-result-in-commitment-for-1~~
13 ~~year-or-more-in-the-state-prison--shall~~ an offense under
14 45-5-502 through 45-5-505 against a victim who was less than
15 16 years old when the offense was committed may be sentenced
16 or otherwise disposed of before a written report of
17 investigation by a probation officer is presented to and
18 considered by the court. The investigation must include a
19 psychiatric evaluation of the defendant and a recommendation
20 as to treatment. No defendant convicted of any other offense
21 that may result in commitment for 1 year or more in the
22 state prison may be sentenced or otherwise disposed of
23 before a written report of investigation by a probation
24 officer is presented to and considered by the court unless
25 the court deems such report unnecessary. The court may, in

1 its discretion, order a presentence investigation for a
2 defendant convicted of any lesser crime or offense."

-End-



INTRODUCED BILL
HB644

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 330-85

Form BD-15

In compliance with a written request received February 04, 19 85, there is hereby submitted a Fiscal Note for H.B. 644 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

"An act providing for a presentence investigation of a person convicted of committing a sex offense against a victim less than 16 years old; amending Section 46-18-111, MCA."

ASSUMPTIONS:

1. 49 commitments to the Montana State Prison in FY 84 were because of a sex offense against a youthful victim.
2. Assume one-half of the 49 commitments were sex offenses against a victim less than 16 years old.
3. Assume the same ratio of commitments in FY 86 and FY 87. (25 commitments)
4. Assume psychiatric evaluation of defendant and a recommendation as to treatment will be performed at the Montana State Hospital. (Variable cost per day at MSH = \$6.43 based on FY 84 actual with 4% inflation. This is the executive inflation factor; therefore, 1986 and 1987 will be the same.)

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY 86</u> \$ 7,234	<u>FY 87</u> \$ 7,234
General Fund Cost	<u>FY 86</u> \$ 7,234	<u>FY 87</u> \$ 7,234

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

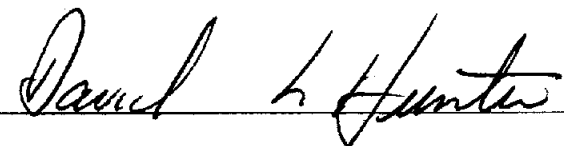
N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS WITH EXISTING LEGISLATION:

N/A



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 7, 1985
HB 644

APPROVED BY COMMITTEE
ON JUDICIARY

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14 45-5-502 through 45-5-505, 45-5-507, OR 45-5-625 against a
15 victim who was less than 16 years old when the offense was
16 committed may be sentenced or otherwise disposed of before a
17 written report of investigation by a probation officer is
18 presented to and considered by the court. The investigation
19 must include a--psychiatric AN evaluation of the defendant
20 and a recommendation as to treatment BY A PERSON QUALIFIED
21 BY PROFESSIONAL EXPERIENCE. No defendant convicted of any
22 other offense that may result in commitment for 1 year or
23 more in the state prison may be sentenced or otherwise
24 disposed of before a written report of investigation by a
25 probation officer is presented to and considered by the

1 court unless the court deems such report unnecessary. The
2 court may, in its discretion, order a presentence
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