

SENATE BILL NO. 148

1/18 Introduced
1/18 Referred to Judiciary
2/01 Hearing
2/04 Adverse Committee Report
2/04 Bill Killed

1 *Senate* BILL NO. *148*
 2 INTRODUCED BY *Rep. Brown, Lybick, Conroy, Smith*
 3 *Nelson, Connelly, Stival*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE WORD
 5 "DANGEROUS" FROM THE STATUTE PROVIDING FOR AN ADDITIONAL
 6 SENTENCE IF AN OFFENSE IS COMMITTED WITH A "DANGEROUS
 7 WEAPON"; AMENDING SECTION 46-18-221, MCA."

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

10 Section 1. Section 46-18-221, MCA, is amended to read:

11 "46-18-221. Additional sentence for offenses committed
 12 with a dangerous weapon. (1) A person who has been found
 13 guilty of any offense and who, while engaged in the
 14 commission of the offense, knowingly displayed, brandished,
 15 or otherwise used a firearm, destructive device, as defined
 16 in 45-8-332(1), or other dangerous weapon shall, in addition
 17 to the punishment provided for the commission of such
 18 offense, be sentenced to a term of imprisonment in the state
 19 prison of not less than 2 years or more than 10 years,
 20 except as provided in 46-18-222.

21 (2) A person convicted of a second or subsequent
 22 offense under this section shall, in addition to the
 23 punishment provided for the commission of the present
 24 offense, be sentenced to a term of imprisonment in the state
 25 prison of not less than 4 years or more than 20 years,

1 except as provided in 46-18-222. For the purposes of this
 2 subsection, the following persons shall be considered to
 3 have been convicted of a previous offense under this
 4 section:

5 (a) a person who has previously been convicted of an
 6 offense, committed on a different occasion than the present
 7 offense, under 18 U.S.C. 924(c); and

8 (b) a person who has previously been convicted of an
 9 offense in this or another state, committed on a different
 10 occasion than the present offense, during the commission of
 11 which he knowingly displayed, brandished, or otherwise used
 12 a firearm, destructive device, as defined in 45-8-332(1), or
 13 other dangerous weapon.

14 (3) The imposition or execution of the minimum
 15 sentences prescribed by this section may not be deferred or
 16 suspended, except as provided in 46-18-222.

17 (4) An additional sentence prescribed by this section
 18 shall run consecutively to the sentence provided for the
 19 offense."

-End-

