

SENATE BILL NO. 151

INTRODUCED BY B. BROWN, LYBECK, NELSON,
CONNELLY, COHEN, HIMSL

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on Judiciary.
February 4, 1985	Committee recommend bill do pass. Report adopted.
February 5, 1985	Bill printed and placed on members' desks.
February 6, 1985	Second reading, do pass.
February 7, 1985	Considered correctly engrossed.
February 8, 1985	Third reading, passed. Ayes, 50; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 14, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 16, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in.
	Returned to Senate with amendments.

IN THE SENATE

March 18, 1985

Received from House.

March 21, 1985

Second reading, amendments
concurrent in.

March 23, 1985

Third reading, amendments
concurrent in. Ayes, 49;
Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *151*
 2 INTRODUCED BY *Bob Brown Lynd Nelson Connelly*
 3 *Al Stinal*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE TIME
 5 DURING WHICH IMPOSITION OF A SENTENCE MAY BE DEFERRED WHEN
 6 THE DEFERRAL HAS A CONDITION THAT IMPOSES ANY FINANCIAL
 7 OBLIGATION; AMENDING SECTION 46-18-201, MCA."

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

10 Section 1. Section 46-18-201, MCA, is amended to read:

11 "46-18-201. Sentences that may be imposed. (1)
 12 Whenever a person has been found guilty of an offense upon a
 13 verdict or a plea of guilty, the court may:

14 (a) defer imposition of sentence, excepting sentences
 15 for driving under the influence of alcohol or drugs, for a
 16 period, except as otherwise provided, not exceeding 1 year
 17 for any misdemeanor or for a period not exceeding 3 years
 18 for any felony. The sentencing judge may impose upon the
 19 defendant any reasonable restrictions or conditions during
 20 the period of the deferred imposition. Such reasonable
 21 restrictions or conditions may include:

- 22 (i) jail base release;
- 23 (ii) jail time not exceeding 180 days;
- 24 (iii) conditions for probation;
- 25 (iv) restitution, as provided in subsection (2);

- 1 (v) payment of the costs of confinement;
- 2 (vi) payment of a fine as provided in 46-18-231;
- 3 (vii) payment of costs as provided in 46-18-232 and
- 4 46-18-233;
- 5 (viii) payment of costs of court appointed counsel as
- 6 provided in 46-8-113;
- 7 (ix) community service;
- 8 (x) any other reasonable conditions considered
- 9 necessary for rehabilitation or for the protection of
- 10 society; or
- 11 (xi) any combination of the above.
- 12 (b) suspend execution of sentence up to the maximum
- 13 sentence allowed for each particular offense. The sentencing
- 14 judge may impose on the defendant any reasonable
- 15 restrictions or conditions during the period of suspended
- 16 sentence. Such reasonable restrictions or conditions may
- 17 include any of those listed in subsections (1)(a)(i) through
- 18 (1)(a)(xi).
- 19 (c) impose a fine as provided by law for the offense;
- 20 (d) require payment of costs as provided in 46-18-232
- 21 or payment of costs of court-appointed counsel as provided
- 22 in 46-8-113;
- 23 (e) commit the defendant to a correctional institution
- 24 with or without a fine as provided by law for the offense;
- 25 (f) impose any combination of subsections (1)(b)



1 through (1)(e).

2 (2) If restitution any financial obligation is imposed
3 as a condition under subsection (1)(a) ~~or (1)(b)~~, sentence
4 may be deferred for a period not exceeding 2 years for any
5 misdemeanor or for a period not exceeding 6 years for any
6 felony, regardless of whether any other conditions are
7 imposed.

8 (3) If any restrictions or conditions imposed under
9 subsection (1)(a) or (1)(b) are violated, any elapsed time,
10 except jail time, is not a credit against the sentence
11 unless the court orders otherwise.

12 (4) Except as provided in 46-18-222, the imposition or
13 execution of the first 2 years of a sentence of imprisonment
14 imposed under the following sections may not be deferred or
15 suspended: 45-5-103(2), 45-5-202(2), 45-5-302(2),
16 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3), 45-9-101(2)
17 and (3), 45-9-102(3), and 45-9-103(2).

18 (5) Except as provided in 46-18-222, the imposition or
19 execution of the first 10 years of a sentence of
20 imprisonment imposed under 45-5-102(2) may not be deferred
21 or suspended.

22 (6) Except as provided in 46-18-222, imposition of
23 sentence in a felony case may not be deferred in the case of
24 a defendant who has been convicted of a felony on a prior
25 occasion whether or not the sentence was imposed, imposition

1 of the sentence was deferred, or execution of the sentence
2 was suspended."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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-End-

STANDING COMMITTEE REPORT

March 14 19 85

MR. Speaker

We, your committee on Judiciary

having had under consideration Senate Bill No. 151

Third reading copy (Blue color)

INCREASE SENTENCE DEFERRAL PERIOD IF A FINANCIAL OBLIGATION IS IMPOSED

Respectfully report as follows: That Senate Bill No. 151

be amended as follows:

- 1. Page 1, line 25. Following: "restitution" Strike: ", as" through "(2)"

AND AS AMENDED, BE CONCURRED IN

Handwritten signature and date: JW 3/14

Handwritten signature: Tom Hannah

REP. TOM HANNAH,

Chairman.

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REFERENCE BILL

SB 151

1 (f) impose any combination of subsections (1)(b)
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