

1 House BILL NO. 301
 2 INTRODUCED BY Luigi Sordani John Richard Hillgren
 3 Henry VanValkenburg Director

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE
 5 DEFINITION OF THE OFFENSE OF NEGLIGENT VEHICULAR ASSAULT AND
 6 TO CREATE THE OFFENSES OF NEGLIGENT ENDANGERMENT AND
 7 CRIMINAL ENDANGERMENT; AND AMENDING SECTION 45-5-205, MCA."

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

10 Section 1. Section 45-5-205, MCA, is amended to read:

11 "45-5-205. Negligent vehicular assault -- penalty. (1)
 12 If a person operates a motor vehicle in a negligent manner
 13 and he is driving while under the influence of alcohol or
 14 drugs, as provided for in 61-8-401(1), and his conduct is
 15 the proximate cause of serious bodily injury to another, he
 16 commits the offense of negligent vehicular assault.

17 (2) A person convicted of the offense of negligent
 18 vehicular assault shall be fined an amount not to exceed
 19 \$1,000 or imprisoned in the county jail for a term not to
 20 exceed 1 year, or both."

21 NEW SECTION. Section 2. Criminal endangerment --
 22 penalty. (1) A person who knowingly engages in conduct that
 23 creates a substantial risk of death or serious bodily injury
 24 to another commits the offense of criminal endangerment.

25 (2) A person convicted of the offense of criminal

1 endangerment shall be fined an amount not to exceed \$50,000
 2 or imprisoned in the state prison for a term not to exceed
 3 10 years, or both.

4 NEW SECTION. Section 3. Negligent endangerment --
 5 penalty. (1) A person who negligently engages in conduct
 6 that creates a substantial risk of death or serious bodily
 7 injury to another commits the offense of negligent
 8 endangerment.

9 (2) A person convicted of the offense of negligent
 10 endangerment shall be fined an amount not to exceed \$1,000
 11 or imprisoned in the county jail for a term not to exceed 1
 12 year, or both.

13 NEW SECTION. Section 4. Codification instruction.
 14 Sections 2 and 3 are intended to be codified as an integral
 15 part of Title 45 and the provisions of Title 45 apply to
 16 sections 2 and 3.

-End-



-2- INTRODUCED BILL
 HB-301

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB301, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to change the definition of the offense of negligent vehicular assault and to create the offenses of negligent endangerment and criminal endangerment; and amending section 45-5-205, MCA.

ASSUMPTIONS:

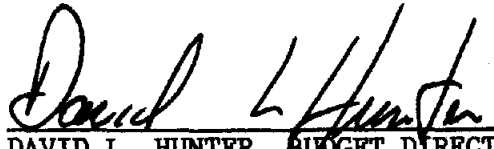
1. One third of those convicted are sentenced to some prison term entailing at least one year and that two-thirds are placed under field supervision.
2. An estimated 30 additional inmates for FY88 and 36 for FY89 at the Montana State Prison is assumed.
3. The field supervision caseload will increase by an estimated 62 cases in FY88 and 73 cases in FY89.
4. An average caseload per field officer of 90. The additional workload will require a .70 FTE Community Corrections Specialist in FY88 and .80 FTE in FY89.
5. Only variable operational costs and indirect costs are adjusted for the estimated additional inmates at Montana State Prison.
6. Inflation adjustment for operational increases reflect rates recommended in the Executive and LFA budget proposal.

FISCAL IMPACT:Expenditures:

	<u>FY88</u>	<u>FY89</u>
Personal Services	\$ 15,035	\$ 18,176
Operations	<u>79,259</u>	<u>103,520</u>
Total	\$ 94,294	\$121,696

Funding:

General Fund	\$ 94,294	\$121,696
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 DATE 1/27/89
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE _____
 PAUL RAPP-SVRCEK, PRIMARY SPONSOR

Fiscal Note for HB301, as introduced.

HB 301

APPROVED BY COMMITTEE
ON JUDICIARY

1 *House* BILL NO. *301*
2 INTRODUCED BY *Raymond Smith* *John* *Raymond Kelly*
3 *Howard Van Valkenburg* *Senete*

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18 vehicular assault shall be fined an amount not to exceed
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-End-



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 2 INTRODUCED BY Raymond Smith John Parsons Keelley
 3 Howard VanValkenburg Senete

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-End-



1 HOUSE BILL NO. 301
2 INTRODUCED BY RAPP-SVRCEK, GOULD, PINSONEAULT,
3 HALLIGAN, HANNAH, VAN VALKENBURG, STIMATZ
4
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Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB301, as introduced.

REVISED FISCAL NOTE

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act to change the definition of the offense of negligent vehicular assault and to create the offenses of negligent endangerment and criminal endangerment; and amending Section 45-5-205, MCA."

ASSUMPTIONS:

1. Assume that section 1 and 3 of this proposed legislation deals with misdemeanors and that there is no state fiscal impact.
2. Section 2 of the proposed legislation entails a wide variety of offenses with an undeterminable fiscal impact.

FISCAL IMPACT:

Unknown.

David L. Hunter DATE 2/13/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Paul Rapp-Svrcek DATE 2/14

PAUL RAPP-SVRCEK, PRIMARY SPONSOR

Fiscal Note for HB301, as introduced.

REVISED FISCAL NOTE

HB 301
#2