HOUSE BILL NO. 326

INTRODUCED BY ADDY

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

- JANUARY 20, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
- FEBRUARY 2, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 3, 1987 PRINTING REPORT.
- FEBRUARY 4, 1987 SECOND READING, DO PASS.

FEBRUARY 5, 1987 ENCROSSING REPORT.

THIRD READING, PASSED. AYES, 94; NOES, 3.

TRANSMITTED TO SENATE.

- IN THE SENATE
- FEBRUARY 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
- MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
- MARCH 10, 1987 SECOND READING, CONCURRED IN.
- MARCH 12, 1987 THIRD READING, CONCURRED IN. AYES, 47; NOES, 2.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 16, 1987 RECEIVED FROM SENATE.

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ON MOTION, CONSIDERATION PASSED FOR THE DAY.

MARCH 17, 1987 SECOND READING, AMENDMENTS NOT CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 19, 1987 ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 7, 1987 ON MOTION, CONFERENCE COMMITTEE DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

- IN THE SENATE
- APRIL 9, 1987 ON MOTION, FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 15, 1987 FREE CONFERENCE COMMITTEE REPORTED.

IN THE SENATE

APRIL 17, 1987 FREE CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1987 SECOND READING, FREE CONFERENCE COMMITTEE REPORT ADOPTED.

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APRIL 21, 1987 THIRD READING, FREE CONFERENCE COMMITTEE REPORT ADOPTED.

SENT TO ENROLLING.

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LC 0619/01

1	House BILL NO. 326	1	(iv) restitution;
2	INTRODUCED BY	- 2	(v) payment of the costs of confinement;
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	- 3	(vi) payment of a fine as provided in 46-18-231;
4	BI REQUEST OF THE DEPARTMENT OF INSTITUTIONS	4	
			(vii) payment of costs as provided in 46-18-2
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CREDIT FOR	5	46-18-233;
б	ELAPSED TIME SERVED ON DEFERRED AND SUSPENDED SENTENCES THAT	6	(viii) payment of costs of court appointed cou
7	ARE REVOKED, UNLESS THE SENTENCING COURT ORDERS OTHERWISE;	7	provided in 46-8-113;
8	AND AMENDING SECTION 46-18-201, MCA."	8	(ix) community service;
9		9	<pre>(x) any other reasonable conditions con</pre>
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	necessary for rehabilitation or for the protect
11	Section 1. Section 46-18-201, MCA, is amended to read:	11	society; or
12	"46-18-201. Sentences that may be imposed. (1)	12	(xi) any combination of the above.
13	Whenever a person has been found guilty of an offense upon a	13	(b) suspend execution of sentence up to the
14	verdict or a plea of guilty, the court may:	14	sentence allowed for each particular offense. The sen
15	(a) defer imposition of sentence, excepting sentences	15	judge may impose on the defendant any rea
16	for driving under the influence of alcohol or drugs, for a	16	restrictions or conditions during the period of su
17	period, except as otherwise provided, not exceeding 1 year	17	sentence. Such reasonable restrictions or conditi
18	for any misdemeanor or for a period not exceeding 3 years	18	include any of those listed in subsections (l)(a)(i)
19	for any felony. The sentencing judge may impose upon the	19	(1)(a)(xi).
20	defendant any reasonable restrictions or conditions during	20	(c) impose a fine as provided by law for the o
21	the period of the deferred imposition. Such reasonable	21	(d) require payment of costs as provided in 46
22	restrictions or conditions may include:	22	or payment of costs of court-appointed counsel as p
23	(i) jail base release;	23	in 46-8-113;
24	(ii) jail time not exceeding 180 days;	24	(e) commit the defendant to a correctional inst
25	(iii) conditions for probation;	25	with or without a fine as provided by law for the o

Montana Legislative Council

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ment of costs as provided in 46-18-232 and ayment of costs of court appointed counsel as 5-8-113; munity service; other reasonable conditions considered rehabilitation or for the protection of combination of the above. pend execution of sentence up to the maximum ed for each particular offense. The sentencing impose on the defendant any reasonable or conditions during the period of suspended ch reasonable restrictions or conditions may those listed in subsections (1)(a)(i) through ose a fine as provided by law for the offense; lire payment of costs as provided in 46-18-232 costs of court-appointed counsel as provided

- hit the defendant to a correctional institution nout a fine as provided by law for the offense;

INTRODUCED BILL -2-HB-326

(f) impose any combination of subsections (1)(b)
 through (1)(e).

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

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

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

3 (7) If the victim was less than 16 years old, the
4 imposition or execution of the first 30 days of a sentence
5 of imprisonment imposed under 45-5-502(3), 45-5-503,
6 45-5-504, 45-5-505, or 45-5-507 may not be deferred or
7 suspended. Section 46-18-222 does not apply to the first 30
8 days of such imprisonment."

-End-

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APPROVED BY COMMITTEE ON JUDICIARY

Montana Legislative Council

1	HOUSE BILL NO. 326
2	INTRODUCED BY ADDY
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A JUDGE
6	HAS DISCRETION TO GRANT CREDIT FOR ELAPSED TIME SERVED ON
7	DEFERRED AND SUSPENDED SENTENCES THAT ARE REVOKED7-UNLESS
8	THE-SENTENCING-COURT-ORDERS-OTHERWISE; AND AMENDING SECTION
9	46-1 8-2 01, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 46-18-201, MCA, is amended to read:
13	"46-18-201. Sentences that may be imposed. (1)
14	Whenever a person has been found guilty of an offense upon a
15	verdict or a plea of guilty, the court may:
16	(a) defer imposition of sentence, excepting sentences
17	for driving under the influence of alcohol or drugs, for a
18	period, except as otherwise provided, not exceeding 1 year
19	for any misdemeanor or for a period not exceeding 3 years
20	for any felony. The sentencing judge may impose upon the
21	defendant any reasonable restrictions or conditions during
22	the period of the deferred imposition. Such reasonable
23	restrictions or conditions may include:
24	(i) jail base release;

(iii) conditions for probation: (v) payment of the costs of confinement: (vi) payment of a fine as provided in 46-18-231; (vii) payment of costs as provided in 46-18-232 and

6 46-18-233; 7 (viii) payment of costs of court appointed counsel as

8 provided in 46-8-113;

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9 (ix) community service;

(iv) restitution;

10 (x) any other reasonable conditions considered necessary for rehabilitation or for the protection of 11 12 society; or

13 (xi) any combination of the above.

14 (b) suspend execution of sentence up to the maximum 15 sentence allowed for each particular offense. The sentencing judge may impose on the defendant any reasonable 16 17 restrictions or conditions during the period of suspended sentence. Such reasonable restrictions or conditions may 18 19 include any of those listed in subsections (1)(a)(i) through 20 (1)(a)(xi).

21 (c) impose a fine as provided by law for the offense;

(d) require payment of costs as provided in 46-18-232

23 or payment of costs of court-appointed counsel as provided in 46-8-113; 24

25 (e) commit the defendant to a correctional institution

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HB 326 SECOND READING with or without a fine as provided by law for the offense;
 (f) impose any combination of subsections (1)(b)
 through (1)(e).

4 (2) If any financial obligation is imposed as a 5 condition under subsection (1)(a), sentence may be deferred 6 for a period not exceeding 2 years for any misdemeanor or 7 for a period not exceeding 6 years for any felony, 8 regardless of whether any other conditions are imposed.

9 (3) If any restrictions or conditions imposed under 10 subsection (1)(a) or (1)(b) are violated, any elapsed time; 11 except-jail-time; is not MAY, AT THE DISCRETION OF THE 12 JUDGE, BE GRANTED AS a credit against the sentence unless 13 the-court-orders-otherwise.

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

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

24 (6) Except as provided in 46-18-222, imposition of
25 sentence in a felony case may not be deferred in the case of

a defendant who has been convicted of a felony on a prior
 occasion whether or not the sentence was imposed, imposition
 of the sentence was deferred, or execution of the sentence
 was suspended.

5 (7) If the victim was less than 16 years old, the 6 imposition or execution of the first 30 days of a sentence 7 of imprisonment imposed under 45-5-502(3), 45-5-503, 8 45-5-504, 45-5-505, or 45-5-507 may not be deferred or 9 suspended. Section 46-18-222 does not apply to the first 30 10 days of such imprisonment."

-End-

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1	HOUSE BILL NO. 326	1	(iii) conditions for probation;
. 2	INTRODUCED BY ADDY	2	(iv) restitution;
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	3	(v) payment of the costs of confinement;
4		4	(vi) payment of a fine as provided in 46-18-231;
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A JUDGE	5	(vii) payment of costs as provided in 46-18-232 and
e	HAS DISCRETION TO GRANT CREDIT FOR ELAPSED TIME SERVED ON	6	46-18-233;
7	DEFERRED AND SUSPENDED SENTENCES THAT ARE REVOKED7-UNLESS	7	(viii) payment of costs of court appointed counsel as
e	THE-SENTENCING-COURT-ORDERS-OTHERWISE; AND AMENDING SECTION	8	provided in 46-8-113;
9	46-18-201, MCA."	9	(ix) community service;
10)	10	(x) any other reasonable conditions considered
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	necessary for rehabilitation or for the protection of
12	Section 1. Section 46-18-201, MCA, is amended to read:	12	society; or
13	"46-18-201. Sentences that may be imposed. (1)	13	(xi) any combination of the above.
14	Whenever a person has been found guilty of an offense upon a	14	(b) suspend execution of sentence up to the maximum
19	o verdict or a plea of guilty, the court may:	15	sentence allowed for each particular offense. The sentencing
10	(a) defer imposition of sentence, excepting sentences	16	judge may impose on the defendant any reasonable
1	for driving under the influence of alcohol or drugs, for a	17	restrictions or conditions during the period of suspended
14	B period, except as otherwise provided, not exceeding 1 year	18	sentence. Such reasonable restrictions or conditions may
. 19	for any misdemeanor or for a period not exceeding 3 years	19	include any of those listed in subsections (1)(a)(i) through
2	0 for any felony. The sentencing judge may impose upon the	20	(1)(a)(xi).
2	I defendant any reasonable restrictions or conditions during	21	(c) impose a fine as provided by law for the offense;
23	2 the period of the deferred imposition. Such reasonable	22	(d) require payment of costs as provided in 46-18-232
2	3 restrictions or conditions may include:	23	or payment of costs of court-appointed counsel as provided
24	(i) jail base release;	24	in 46-8-113;
29	5 (ii) jail time not exceeding 180 days;	25	(e) commit the defendant to a correctional institution

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with or without a fine as provided by law for the offense;
 (f) impose any combination of subsections (1)(b)
 through (1)(e).

4 (2) If any financial obligation is imposed as a 5 condition under subsection (1)(a), sentence may be deferred 6 for a period not exceeding 2 years for any misdemeanor or 7 for a period not exceeding 6 years for any felony, 8 regardless of whether any other conditions are imposed.

9 (3) If any restrictions or conditions imposed under 10 subsection (1)(a) or (1)(b) are violated, any elapsed time; 11 except-jail-time; is not MAY, AT THE DISCRETION OF THE 12 JUDGE, BE GRANTED AS a credit against the sentence unless 13 the-court-orders-otherwise.

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

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

24 (6) Except as provided in 46-18-222, imposition of
 25 sentence in a felony case may not be deferred in the case of

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a defendant who has been convicted of a felony on a prior occasion whether or not the sentence was imposed, imposition

3 of the sentence was deferred, or execution of the sentence 4 was suspended.

5 (7) If the victim was less than 16 years old, the 6 imposition or execution of the first 30 days of a sentence 7 of imprisonment imposed under 45-5-502(3), 45-5-503, 8 45-5-504, 45-5-505, or 45-5-507 may not be deferred or 9 suspended. Section 46-18-222 does not apply to the first 30 10 days of such imprisonment."

~End-

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HB 326

1	HOUSE BILL NO. 326	1
2	INTRODUCED BY ADDY	2
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	3
4		4
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A JUDGE	5
6	HAS-BISCRETION-TO-GRANT CREDIT FOR ELAPSED TIME SERVED ON	6
7	DEFERRED AND SUSPENDED SENTENCES THAT ARE REVOKED7-UNLESS	7
8	THE-SENTENCING-COURT-ORDERS-OTHERWISE, UNLESS THE SENTENCING	8
9	COURT ORDERS OTHERWISE; AND AMENDING SECTION 46-18-201,	9
10	MCA."	10
11	•	11
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12
13	Section 1. Section 46-18-201, MCA, is amended to read:	13
14	"46~18-201. Sentences that may be imposed. (1)	14
15	Whenever a person has been found guilty of an offense upon a	15
16	verdict or a plea of guilty, the court may:	16
17	(a) defer imposition of sentence, excepting sentences	17
18	for driving under the influence of alcohol or drugs, for a	18
19	period, except as otherwise provided, not exceeding 1 year	19
20	for any misdemeanor or for a period not exceeding 3 years	20
21	for any felony. The sentencing judge may impose upon the	21
22	defendant any reasonable restrictions or conditions during	22
23	the period of the deferred imposition. Such reasonable	23
24	restrictions or conditions may include:	24

25 (i) jail base release;

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1	(ii) jail time not exceeding 180 days;
2	(iii) conditions for probation;
3	(iv) restitution;
4	(v) payment of the costs of confinement;
5	(vi) payment of a fine as provided in 46-18-231;
6	(vii) payment of costs as provided in 46-18-232 and
7	46-18-233;
8	(viii) payment of costs of court appointed counsel as
9	provided in 46-8-113;
10	(ix) community service;
11	(x) any other reasonable conditions considered
12	necessary for rehabilitation or for the protection of
13	society; or
14	(xi) any combination of the above.
15	(b) suspend execution of sentence up to the maximum
16	sentence allowed for each particular offense. The sentencing
17	judge may impose on the defendant any reasonable
18	restrictions or conditions during the period of suspended
19	sentence. Such reasonable restrictions or conditions may
20	include any of those listed in subsections (l)(a)(i) through
21	(l)(a)(xi).
22	(c) impose a fine as provided by law for the offense;
23	(d) require payment of costs as provided in 46-18-232
24	or payment of costs of court-appointed counsel as provided

in 46-8-113;

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REFERENCE BILL

HB 326

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was suspended.

(e) commit the defendant to a correctional institution
 with or without a fine as provided by law for the offense;
 (f) impose any combination of subsections (1)(b)
 through (1)(e).

5 (2) If any financial obligation is imposed as a 6 condition under subsection (1)(a), sentence may be deferred 7 for a period not exceeding 2 years for any misdemeanor or 8 for a period not exceeding 6 years for any felony, 9 regardless of whether any other conditions are imposed.

10 (3) If any restrictions or conditions imposed under
11 subsection (1)(a) or (1)(b) are violated, any elapsed time;
12 except-jail-time; is not <u>MAY;--AT--THE--DISCRETION--OP--THE</u>
13 <u>dHDGE;-BE-GRANTED-AS</u> IS a credit against the sentence unless
14 the---court---orders---otherwise <u>UNLESS</u> THE COURT ORDERS
15 <u>OTHERWISE</u>.

16 (4) Except as provided in 46-18-222, the imposition or
17 execution of the first 2 years of a sentence of imprisonment
18 imposed under the following sections may not be deferred or
19 suspended: 45-5-103(2), 45-5-202(2), 45-5-302(2),
20 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3), 45-9-101(2)
21 and (3), 45-9-102(3), and 45-9-103(2).

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

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

7 (7) If the victim was less than 16 years old, the 8 imposition or execution of the first 30 days of a sentence 9 of imprisonment imposed under 45-5-502(3), 45-5-503, 10 45-5-504, 45-5-505, or 45-5-507 may not be deferred or 11 suspended. Section 46-18-222 does not apply to the first 30 12 days of such imprisonment."

-End-

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STANDING COMMITTEE REPORT

	March 5	
MR. PRESIDENT		
SENATE JUDICIA	RY	••••••
having had under consideration	HOUSE BILL	No
))r	
Credit for time served Addy (Halligan)	on sentence when probation is revoke	ed.
Respectfully report as follows: That	HOUSE BILL	326 No
be amended as follows:		
1. Title, lines 5 and Following: "PROVIDE" Strike: the remainder		
2. Title, line 8. Following: " OTHERWISE Insert: ", UNLESS THE	" SENTENCING COURT ORDERS OTHERWISE"	
3. Page 3, lines 11 a Following: " not " on 1 Strike: the remainder Insert: "is"		
4. Page 3, line 13. Following: " etherwise Insert: "unless the co		

CAN SAVE DXXXXXXXXXXXXX

AND AS AMENDED BE CONCURRED IN

Macquele Senator Mazurak

. Chairman.

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CONFERENCE COMMITTEE REPORT Report No	8
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MR. SPEAKER

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SENATOR BROWN

We, your		Free			Conference Committee or
	HB 326				
met and consid	ered	House Bill	326 in i	ts entirety	•
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We recommend	d as follows:				
	HAT HOUSE	BILL 326,	REFERENC	E COPY SALM	ON, BE AMENDED AS
Fo		line 5. "PROVIDE" HAT A JUDGI		ECIFY"	
Fc		"otherwis		ING COURT O	RDERS OTHERWISE"
Fc St In ex se re	ollowing: rike: "r sert: "t pressly entence, easons in	he court sl allow part or reject a	f line 11 hall cons or all o all or pa . Credit	ider any el f it as a c rt as a cre	in their entirety apsed time and either redit against the dit and state its must be allowed for
And that this C	Conference Con	nmittee report be a	adopted.	,	
FOR THE SENA		11			
SE	ENATOR HA	LIGAN, Cha	irman	Sector.	MERGER

 REP.	GOULD	20.	
 REP.	ADDY	eg-	

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HB 0326/04

1	HOUSE BILL NO. 326	<pre>1 (ii) jail time not exceeding 180 days;</pre>	1
2	INTRODUCED BY ADDY	2 (iii) conditions for probation;	2
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	3 (iv) restitution;	3
4		4 (v) payment of the costs of confinement;	4
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A JUDGE	5 (vi) payment of a fine as provided in 46-18-231;	5
6	MUST SPECIFY THAT-A-JUDGE-HAS-DISCRETION-TO-GRANT CREDIT FOR	6 (vii) payment of costs as provided in 46-18-232 and	6
7	ELAPSED TIME SERVED ON DEFERRED AND SUSPENDED SENTENCES THAT	7 46-18-233;	7
8	ARE REVOKED7-UNLESS-THE-SENTENCING-COURT-ORDERS-OTHERWISEZ	8 (viii) payment of costs of court appointed counsel as	8
9	UNLESSTHESENTENCING-COURT-ORDERS-OTHERWISE; AND AMENDING	9 provided in 46-8-113;	9
10	SECTION 45-18-201, MCA."	10 (ix) community service;	10
11		11 (x) any other reasonable conditions considered	11
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12 necessary for rehabilitation or for the protection of	12
13	Section 1. Section 46-18-201, MCA, is amended to read:	13 society; or	13
14	"46-18-201. Sentences that may be imposed. (1)	14 (xi) any combination of the above.	14
15	Whenever a person has been found guilty of an offense upon a	15 (b) suspend execution of sentence up to the maximum	15
16	verdict or a plea of guilty, the court may:	16 sentence allowed for each particular offense. The sentencing	16
17	(a) defer imposition of sentence, excepting sentences	17 judge may impose on the defendant any reasonable	17
18	for driving under the influence of alcohol or drugs, for a	18 restrictions or conditions during the period of suspended	18
19	period, except as otherwise provided, not exceeding 1 year	19 sentence. Such reasonable restrictions or conditions may	19
20	for any misdemeanor or for a period not exceeding 3 years	20 include any of those listed in subsections (1)(a)(i) through	20
21	for any felony. The sentencing judge may impose upon the	21 (l)(a)(xi).	21
22	defendant any reasonable restrictions or conditions during	22 (c) impose a fine as provided by law for the offense;	22
23	the period of the deferred imposition. Such reasonable	23 (d) require payment of costs as provided in 46-18-232	23
24	restrictions or conditions may include:	24 or payment of costs of court-appointed counsel as provided	24
25	(i) jail base release;	25 in 46-8-113;	25



-2- HB 326 Includes free conference committee report dated <u>4</u>-14.87

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or suspended.

(e) commit the defendant to a correctional institution
 with or without a fine as provided by law for the offense;
 (f) impose any combination of subsections (1)(b)
 through (1)(e).

5 (2) If any financial obligation is imposed as a 6 condition under subsection (1)(a), sentence may be deferred 7 for a period not exceeding 2 years for any misdemeanor or 8 for a period not exceeding 6 years for any felony, 9 regardless of whether any other conditions are imposed.

(3) If any restrictions or conditions imposed under 10 11 subsection (1)(a) or (1)(b) are violated, any-elapsed--time, 12 except--jail--time;--is--not--MAY;--AF-THE-DISCRETION-OF-THE 13 JUDGEy-BE-GRANTED-AS-IS-a-credit-against-the-sentence-unless 14 the--court--orders--otherwise--UNLESS---THE---COURT---ORDERS 15 OTHERWISE: THE COURT SHALL CONSIDER ANY ELAPSED TIME AND EITHER EXPRESSLY ALLOW PART OR ALL OF IT AS A CREDIT AGAINST 16 17 THE SENTENCE OR REJECT ALL OR PART AS A CREDIT AND STATE ITS 18 REASONS IN THE ORDER. CREDIT, HOWEVER, MUST BE ALLOWED FOR JAIL TIME ALREADY SERVED. 19

20 (4) Except as provided in 46-18-222, the imposition or
21 execution of the first 2 years of a sentence of imprisonment
22 imposed under the following sections may not be deferred or
23 suspended: 45-5-103(2), 45-5-202(2), 45-5-302(2),
24 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3), 45-9-101(2)
25 and (3), 45-9-102(3), and 45-9-103(2).

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

5 (6) Except as provided in 46-18-222, imposition of 6 sentence in a felony case may not be deferred in the case of 7 a defendant who has been convicted of a felony on a prior 8 occasion whether or not the sentence was imposed, imposition 9 of the sentence was deferred, or execution of the sentence 10 was suspended.

11 (7) If the victim was less than 16 years old, the 12 imposition or execution of the first 30 days of a sentence 13 of imprisonment imposed under 45-5-502(3), 45-5-503, 14 45-5-504, 45-5-505, or 45-5-507 may not be deferred or 15 suspended. Section 46-18-222 does not apply to the first 30 16 days of such imprisonment."

-End-

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