

HOUSE BILL NO. 873

INTRODUCED BY HANNAH, PINSONEAULT

IN THE HOUSE

MARCH 4, 1987 ON MOTION, RULES SUSPENDED TO ALLOW
INTRODUCTION OF HB NO. 873.

MARCH 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 27, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

MARCH 28, 1987 PRINTING REPORT.

SECOND READING, DO PASS.

MARCH 30, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 91; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 2, 1987 ON MOTION, RULES SUSPENDED TO ADMIT
TRANSFERENCE OF HB NO. 873.

INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

APRIL 9, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 11, 1987 SECOND READING, CONCURRED IN.

APRIL 13, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 14, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 873
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE HOMICIDE LAWS; AMENDING SECTIONS 41-5-305,
6 45-2-103, 45-2-202, 45-5-102 THROUGH 45-5-104, 46-18-201,
7 46-18-231, 50-20-108, AND 50-20-112, MCA; AND REPEALING
8 SECTION 45-5-101, MCA."

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

11 Section 1. Section 41-5-305, MCA, is amended to read:

12 "41-5-305. Detention and shelter care of youth. (1) A
13 youth taken into custody may not be detained in a jail or
14 other facility for detention purposes unless he has
15 allegedly committed an act which if committed by an adult
16 would constitute a criminal offense, and:

17 (a) the alleged act is one of the following:

18 (i) ~~criminal~~ homicide as defined in ~~45-5-101~~ 45-5-102
19 through 45-5-104;

20 (ii) arson as defined in 45-6-103;

21 (iii) aggravated or felony assault as defined in
22 45-5-202;

23 (iv) robbery as defined in 45-5-401;

24 (v) burglary or aggravated burglary as defined in
25 45-6-204;

1 (vi) sexual intercourse without consent as defined in
2 45-5-503;

3 (vii) aggravated kidnapping as defined in 45-5-303;

4 (viii) possession of explosives as defined in 45-8-335;

5 (ix) criminal sale of dangerous drugs for profit as
6 included in 45-9-101; or

7 (x) attempt as defined in 45-4-103 of any of the acts
8 enumerated in subsections (1)(a)(i) through (1)(a)(ix);

9 (b) he has escaped from a correctional facility;

10 (c) he has violated a valid court order or an
11 aftercare agreement; or

12 (d) he meets the criteria for detention established by
13 the youth court.

14 (2) A youth taken into custody may not be sheltered
15 prior to the hearing on the petition except when:

16 (a) the youth and his family need shelter care to
17 address their problematic situation when it is not possible
18 for the youth to remain at home;

19 (b) the youth needs to be protected from physical or
20 emotional harm;

21 (c) the youth needs to be deterred or prevented from
22 immediate repetition of his troubling behavior;

23 (d) shelter care is necessary to assess the youth and
24 his environment;

25 (e) shelter care is necessary to provide adequate time



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1 for case planning and disposition; or

2 (f) shelter care is necessary to intervene in a crisis
3 situation and provide intensive services or attention that
4 might alleviate the problem and reunite the family."

5 Section 2. Section 45-2-103, MCA, is amended to read:

6 "45-2-103. General requirements of criminal act and
7 mental state. (1) ~~A person is not guilty of an offense,~~
8 except for deliberate homicide as defined in
9 45-5-102(1)(b) or an offense which involves absolute
10 liability, a person is not guilty of an offense unless, with
11 respect to each element described by the statute defining
12 the offense, he acts while having one of the mental states
13 described in subsections (33), (37), and (58) of 45-2-101.

14 (2) In deliberate homicide under 45-5-102(1)(b), the
15 offender must act while having the mental state of purposely
16 or knowingly only as to the underlying felony referred to in
17 45-5-102(1)(b).

18 (3) The existence of a mental state may be inferred
19 from the acts of the accused and the facts and circumstances
20 connected with the offense.

21 (4) If the statute defining an offense prescribes a
22 particular mental state with respect to the offense as a
23 whole without distinguishing among the elements thereof, the
24 prescribed mental state applies to each such element.

25 (5) Knowledge that certain conduct constitutes an

1 offense or knowledge of the existence, meaning, or
2 application of the statute defining an offense is not an
3 element of the offense unless the statute clearly defines it
4 as such.

5 (6) A person's reasonable belief that his conduct
6 does not constitute an offense is a defense if:

7 (a) the offense is defined by an administrative
8 regulation or order which is not known to him and has not
9 been published or otherwise made reasonably available to him
10 and he could not have acquired such knowledge by the
11 exercise of due diligence pursuant to facts known to him;

12 (b) he acts in reliance upon a statute which later is
13 determined to be invalid;

14 (c) he acts in reliance upon an order or opinion of
15 the Montana supreme court or a United States appellate court
16 later overruled or reversed; or

17 (d) he acts in reliance upon an official
18 interpretation of the statute, regulation, or order defining
19 the offense made by a public officer or agency legally
20 authorized to interpret such statute.

21 (7) If a person's reasonable belief is a defense
22 under subsection (6), nevertheless he may be convicted
23 of an included offense of which he would be guilty if the
24 law were as he believed it to be.

25 (8) Any defense based upon this section is an

1 affirmative defense."

2 Section 3. Section 45-2-202, MCA, is amended to read:

3 "45-2-202. Voluntary act. A material element of every
4 offense is a voluntary act, which includes an omission to
5 perform a duty which the law imposes on the offender and
6 which he is physically capable of performing, except for
7 deliberate homicide under 45-5-102(1)(b) for which there
8 must be a voluntary act only as to the underlying felony.

9 Possession is a voluntary act if the offender knowingly
10 procured or received the thing possessed or was aware of his
11 control thereof for a sufficient time to have been able to
12 terminate his control."

13 Section 4. Section 45-5-102, MCA, is amended to read:

14 "45-5-102. Deliberate homicide. (1) ~~Except as provided~~
15 ~~in 45-5-103(1), criminal homicide constitutes~~ A person
16 commits the offense of deliberate homicide if:

17 (a) ~~it is committed~~ he purposely or knowingly causes
18 the death of another human being; or

19 (b) ~~it is committed while the offender is engaged in~~
20 ~~or is an accomplice in the commission of, an attempt to~~
21 ~~commit, or flight after committing or attempting~~ he attempts
22 to commit, commits, or is legally accountable for the
23 attempt or commission of robbery, sexual intercourse without
24 consent, arson, burglary, kidnapping, aggravated kidnapping,
25 felonious escape, felony assault, aggravated assault, or any

1 other forcible felony which involves the use or threat of
2 physical force or violence against any individual and in the
3 course of the forcible felony or flight thereafter, he or
4 any person legally accountable for the crime causes the
5 death of another human being.

6 (2) A person convicted of the offense of deliberate
7 homicide shall be punished by death or life imprisonment as
8 provided in 46-18-301 through 46-18-310 or by imprisonment
9 in the state prison for a term of not less than 10 years or
10 more than 100 years, except as provided in 46-18-222."

11 Section 5. Section 45-5-103, MCA, is amended to read:

12 "45-5-103. Mitigated deliberate homicide. (1) ~~Eriminal~~
13 ~~homicide---constitutes~~ A person commits the offense of
14 mitigated deliberate homicide when a--homicide--which--would
15 otherwise--be--deliberate-homicide-is-committed he purposely
16 or knowingly causes the death of another human being but
17 does so under the influence of extreme mental or emotional
18 stress for which there is reasonable explanation or excuse.
19 The reasonableness of such explanation or excuse shall be
20 determined from the viewpoint of a reasonable person in the
21 actor's situation.

22 (2) It is an affirmative defense that the defendant
23 acted under the influence of extreme mental or emotional
24 stress for which there was reasonable explanation or excuse,
25 the reasonableness of which shall be determined from the

1 viewpoint of a reasonable person in the actor's situation.
 2 This defense constitutes a mitigating circumstance reducing
 3 deliberate homicide to mitigated deliberate homicide and
 4 must be proved by the defendant by a preponderance of the
 5 evidence.

6 (3) Mitigated deliberate homicide is not an included
 7 offense of deliberate homicide as defined in 45-5-102(1)(b).

8 ~~(2)~~(4) A person convicted of mitigated deliberate
 9 homicide shall be imprisoned in the state prison for a term
 10 of not less than 2 years or more than 40 years and may be
 11 fined not more than \$50,000, except as provided in
 12 46-18-222."

13 Section 6. Section 45-5-104, MCA, is amended to read:

14 "45-5-104. Negligent homicide. (1) ~~Eriminal--homicide~~
 15 constitutes A person commits the offense of negligent
 16 homicide when-it-is-committed if he negligently causes the
 17 death of another human being.

18 (2) Negligent homicide is not an included offense of
 19 deliberate homicide as defined in 45-5-102(1)(b).

20 ~~(2)~~(3) A person convicted of negligent homicide shall
 21 be imprisoned in the state prison for any term not to exceed
 22 10 years or be fined an amount not to exceed \$50,000, or
 23 both."

24 Section 7. Section 46-18-201, MCA, is amended to read:

25 "46-18-201. Sentences that may be imposed. (1)

1 Whenever a person has been found guilty of an offense upon a
 2 verdict or a plea of guilty, the court may:

3 (a) defer imposition of sentence, excepting sentences
 4 for driving under the influence of alcohol or drugs, for a
 5 period, except as otherwise provided, not exceeding 1 year
 6 for any misdemeanor or for a period not exceeding 3 years
 7 for any felony. The sentencing judge may impose upon the
 8 defendant any reasonable restrictions or conditions during
 9 the period of the deferred imposition. Such reasonable
 10 restrictions or conditions may include:

- 11 (i) jail base release;
- 12 (ii) jail time not exceeding 180 days;
- 13 (iii) conditions for probation;
- 14 (iv) restitution;
- 15 (v) payment of the costs of confinement;
- 16 (vi) payment of a fine as provided in 46-18-231;
- 17 (vii) payment of costs as provided in 46-18-232 and
- 18 46-18-233;
- 19 (viii) payment of costs of court appointed counsel as
- 20 provided in 46-8-113;
- 21 (ix) community service;
- 22 (x) any other reasonable conditions considered
- 23 necessary for rehabilitation or for the protection of
- 24 society; or
- 25 (xi) any combination of the above.

1 (b) suspend execution of sentence up to the maximum
 2 sentence allowed for each particular offense. The sentencing
 3 judge may impose on the defendant any reasonable
 4 restrictions or conditions during the period of suspended
 5 sentence. Such reasonable restrictions or conditions may
 6 include any of those listed in subsections (1)(a)(i) through
 7 (1)(a)(xi).

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

9 (d) require payment of costs as provided in 46-18-232
 10 or payment of costs of court-appointed counsel as provided
 11 in 46-8-113;

12 (e) commit the defendant to a correctional institution
 13 with or without a fine as provided by law for the offense;

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

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

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

25 (4) Except as provided in 46-18-222, the imposition or

1 execution of the first 2 years of a sentence of imprisonment
 2 imposed under the following sections may not be deferred or
 3 suspended: 45-5-103(2), 45-5-202(2), 45-5-302(2),
 4 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3), 45-9-101(2)
 5 and (3), 45-9-102(3), and 45-9-103(2).

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

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

16 (7) If the victim was less than 16 years old, the
 17 imposition or execution of the first 30 days of a sentence
 18 of imprisonment imposed under 45-5-502(3), 45-5-503,
 19 45-5-504, 45-5-505, or 45-5-507 may not be deferred or
 20 suspended. Section 46-18-222 does not apply to the first 30
 21 days of such imprisonment."

22 Section 8. Section 46-18-231, MCA, is amended to read:

23 "46-18-231. Fines in felony and misdemeanor cases. (1)
 24 Whenever, upon a verdict or a plea of guilty, a person has
 25 been found guilty of an offense for which a felony penalty

1 of imprisonment could be imposed, the court may impose a
 2 fine, only in accordance with subsection (3), and in lieu of
 3 or in addition to a sentence of imprisonment. For those
 4 crimes for which penalties are provided in 45-5-103~~(2)~~,
 5 45-5-202(2), 45-5-302(2), 45-5-303(2), 45-5-401(2),
 6 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2) and (3),
 7 45-9-102(3), and 45-9-103(2), a fine may be imposed in
 8 accordance with subsection (3) in addition to a sentence of
 9 imprisonment.

10 (2) Whenever, upon a verdict or plea of guilty, a
 11 person has been found guilty of an offense for which a
 12 misdemeanor penalty of a fine could be imposed, the court
 13 may impose a fine only in accordance with subsection (3).

14 (3) The court may not sentence a defendant to pay a
 15 fine unless the defendant is or will be able to pay the
 16 fine. In determining the amount and method of payment, the
 17 court shall take into account the nature of the crime
 18 committed, the financial resources of the defendant, and the
 19 nature of the burden that payment of the fine will impose.

20 (4) Any fine levied under this section in a felony
 21 case shall be in an amount fixed by the court not to exceed
 22 \$50,000."

23 Section 9. Section 50-20-108, MCA, is amended to read:

24 "50-20-108. Protection of premature infants born
 25 alive. (1) A person commits the an offense of-criminal

1 homicide, as defined in ~~45-5-101~~ 45-5-102 through 45-5-104,
 2 if he purposely, knowingly, or negligently causes the death
 3 of a premature infant born alive, if such infant is viable.

4 (2) Whenever a premature infant which is the subject
 5 of abortion is born alive and is viable, it becomes a
 6 dependent and neglected child subject to the provisions of
 7 state law, unless:

8 (a) the termination of the pregnancy is necessary to
 9 preserve the life of the mother; or

10 (b) the mother and her spouse or either of them have
 11 agreed in writing in advance of the abortion or within 72
 12 hours thereafter to accept the parental rights and
 13 responsibilities of the premature infant if it survives the
 14 abortion procedure.

15 (3) No person may use any premature infant born alive
 16 for any type of scientific research or other kind of
 17 experimentation except as necessary to protect or preserve
 18 the life and health of such premature infant born alive.

19 (4) Violation of subsection (3) of this section is a
 20 felony."

21 Section 10. Section 50-20-112, MCA, is amended to
 22 read:

23 "50-20-112. Penalties. (1) A person convicted of
 24 criminal deliberate, mitigated, or negligent homicide under
 25 this chapter is subject to the penalties prescribed by

1 ~~45-5-101~~ 45-5-102 through 45-5-104.

2 (2) A person convicted of a felony other than ~~criminal~~
3 deliberate, mitigated, or negligent homicide under this
4 chapter is subject to a fine not to exceed \$1,000,
5 imprisonment in the state prison for a term not to exceed 5
6 years, or both.

7 (3) A person convicted of a misdemeanor under this
8 chapter is subject to a fine not to exceed \$500,
9 imprisonment in the county jail for a term not to exceed 6
10 months, or both."

11 NEW SECTION. Section 11. Repealer. Section 45-5-101,
12 MCA, is repealed.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 House BILL NO. 873
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE HOMICIDE LAWS; AMENDING SECTIONS 41-5-305,
6 45-2-103, 45-2-202, 45-5-102 THROUGH 45-5-104, 46-18-201,
7 46-18-231, 50-20-108, AND 50-20-112, MCA; AND REPEALING
8 SECTION 45-5-101, MCA."

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

11 Section 1. Section 41-5-305, MCA, is amended to read:

12 "41-5-305. Detention and shelter care of youth. (1) A
13 youth taken into custody may not be detained in a jail or
14 other facility for detention purposes unless he has
15 allegedly committed an act which if committed by an adult
16 would constitute a criminal offense, and:

- 17 (a) the alleged act is one of the following:
- 18 (i) ~~criminal~~ homicide as defined in ~~45-5-101~~ 45-5-102
19 through 45-5-104;
- 20 (ii) arson as defined in 45-6-103;
- 21 (iii) aggravated or felony assault as defined in
22 45-5-202;
- 23 (iv) robbery as defined in 45-5-401;
- 24 (v) burglary or aggravated burglary as defined in
25 45-6-204;

- 1 (vi) sexual intercourse without consent as defined in
2 45-5-503;
- 3 (vii) aggravated kidnapping as defined in 45-5-303;
- 4 (viii) possession of explosives as defined in 45-8-335;
- 5 (ix) criminal sale of dangerous drugs for profit as
6 included in 45-9-101; or
- 7 (x) attempt as defined in 45-4-103 of any of the acts
8 enumerated in subsections (1)(a)(i) through (1)(a)(ix);
- 9 (b) he has escaped from a correctional facility;
- 10 (c) he has violated a valid court order or an
11 aftercare agreement; or
- 12 (d) he meets the criteria for detention established by
13 the youth court.
- 14 (2) A youth taken into custody may not be sheltered
15 prior to the hearing on the petition except when:
- 16 (a) the youth and his family need shelter care to
17 address their problematic situation when it is not possible
18 for the youth to remain at home;
- 19 (b) the youth needs to be protected from physical or
20 emotional harm;
- 21 (c) the youth needs to be deterred or prevented from
22 immediate repetition of his troubling behavior;
- 23 (d) shelter care is necessary to assess the youth and
24 his environment;
- 25 (e) shelter care is necessary to provide adequate time



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1 for case planning and disposition; or

2 (f) shelter care is necessary to intervene in a crisis
3 situation and provide intensive services or attention that
4 might alleviate the problem and reunite the family."

5 Section 2. Section 45-2-103, MCA, is amended to read:

6 "45-2-103. General requirements of criminal act and
7 mental state. (1) ~~A person is not guilty of an offense,~~
8 ~~other than~~ Except for deliberate homicide as defined in
9 45-5-102(1)(b) or an offense which involves absolute
10 liability, a person is not guilty of an offense unless, with
11 respect to each element described by the statute defining
12 the offense, he acts while having one of the mental states
13 described in subsections (33), (37), and (58) of 45-2-101.

14 (2) In deliberate homicide under 45-5-102(1)(b), the
15 offender must act while having the mental state of purposely
16 or knowingly only as to the underlying felony referred to in
17 45-5-102(1)(b).

18 (3) The existence of a mental state may be inferred
19 from the acts of the accused and the facts and circumstances
20 connected with the offense.

21 ~~(2)(4)~~ If the statute defining an offense prescribes a
22 particular mental state with respect to the offense as a
23 whole without distinguishing among the elements thereof, the
24 prescribed mental state applies to each such element.

25 ~~(3)(5)~~ Knowledge that certain conduct constitutes an

1 offense or knowledge of the existence, meaning, or
2 application of the statute defining an offense is not an
3 element of the offense unless the statute clearly defines it
4 as such.

5 ~~(4)(6)~~ A person's reasonable belief that his conduct
6 does not constitute an offense is a defense if:

7 (a) the offense is defined by an administrative
8 regulation or order which is not known to him and has not
9 been published or otherwise made reasonably available to him
10 and he could not have acquired such knowledge by the
11 exercise of due diligence pursuant to facts known to him;

12 (b) he acts in reliance upon a statute which later is
13 determined to be invalid;

14 (c) he acts in reliance upon an order or opinion of
15 the Montana supreme court or a United States appellate court
16 later overruled or reversed; or

17 (d) he acts in reliance upon an official
18 interpretation of the statute, regulation, or order defining
19 the offense made by a public officer or agency legally
20 authorized to interpret such statute.

21 ~~(5)(7)~~ If a person's reasonable belief is a defense
22 under subsection ~~(4)~~ ~~(6)~~, nevertheless he may be convicted
23 of an included offense of which he would be guilty if the
24 law were as he believed it to be.

25 ~~(6)(8)~~ Any defense based upon this section is an

1 affirmative defense."

2 Section 3. Section 45-2-202, MCA, is amended to read:

3 "45-2-202. Voluntary act. A material element of every
4 offense is a voluntary act, which includes an omission to
5 perform a duty which the law imposes on the offender and
6 which he is physically capable of performing, except for
7 deliberate homicide under 45-5-102(1)(b) for which there
8 must be a voluntary act only as to the underlying felony.

9 Possession is a voluntary act if the offender knowingly
10 procured or received the thing possessed or was aware of his
11 control thereof for a sufficient time to have been able to
12 terminate his control."

13 Section 4. Section 45-5-102, MCA, is amended to read:

14 "45-5-102. Deliberate homicide. (1) ~~Except as provided~~
15 ~~in 45-5-103(1), criminal homicide constitutes~~ A person
16 commits the offense of deliberate homicide if:

17 (a) ~~it is committed~~ he purposely or knowingly causes
18 the death of another human being; or

19 (b) ~~it is committed while the offender is engaged in~~
20 ~~or is an accomplice in the commission of, an attempt to~~
21 ~~commit, or flight after committing or attempting~~ he attempts
22 to commit, commits, or is legally accountable for the
23 attempt or commission of robbery, sexual intercourse without
24 consent, arson, burglary, kidnapping, aggravated kidnapping,
25 felonious escape, felony assault, aggravated assault, or any

1 other forcible felony which involves the use or threat of
2 physical force or violence against any individual and in the
3 course of the forcible felony or flight thereafter, he or
4 any person legally accountable for the crime causes the
5 death of another human being.

6 (2) A person convicted of the offense of deliberate
7 homicide shall be punished by death or life imprisonment as
8 provided in 46-18-301 through 46-18-310 or by imprisonment
9 in the state prison for a term of not less than 10 years or
10 more than 100 years, except as provided in 46-18-222."

11 Section 5. Section 45-5-103, MCA, is amended to read:

12 "45-5-103. Mitigated deliberate homicide. (1) ~~Criminal~~
13 ~~homicide---constitutes~~ A person commits the offense of
14 mitigated deliberate homicide when a homicide which would
15 otherwise be deliberate homicide is committed he purposely
16 or knowingly causes the death of another human being but
17 does so under the influence of extreme mental or emotional
18 stress for which there is reasonable explanation or excuse.
19 The reasonableness of such explanation or excuse shall be
20 determined from the viewpoint of a reasonable person in the
21 actor's situation.

22 (2) It is an affirmative defense that the defendant
23 acted under the influence of extreme mental or emotional
24 stress for which there was reasonable explanation or excuse,
25 the reasonableness of which shall be determined from the

1 viewpoint of a reasonable person in the actor's situation.
 2 This defense constitutes a mitigating circumstance reducing
 3 deliberate homicide to mitigated deliberate homicide and
 4 must be proved by the defendant by a preponderance of the
 5 evidence.

6 (3) Mitigated deliberate homicide is not an included
 7 offense of deliberate homicide as defined in 45-5-102(1)(b).

8 ~~(2)~~(4) A person convicted of mitigated deliberate
 9 homicide shall be imprisoned in the state prison for a term
 10 of not less than 2 years or more than 40 years and may be
 11 fined not more than \$50,000, except as provided in
 12 46-18-222."

13 Section 6. Section 45-5-104, MCA, is amended to read:

14 "45-5-104. Negligent homicide. (1) ~~Criminal--homicide~~
 15 constitutes A person commits the offense of negligent
 16 homicide when-it-is-committed if he negligently causes the
 17 death of another human being.

18 (2) Negligent homicide is not an included offense of
 19 deliberate homicide as defined in 45-5-102(1)(b).

20 ~~(2)~~(3) A person convicted of negligent homicide shall
 21 be imprisoned in the state prison for any term not to exceed
 22 10 years or be fined an amount not to exceed \$50,000, or
 23 both."

24 Section 7. Section 46-18-201, MCA, is amended to read:

25 "46-18-201. Sentences that may be imposed. (1)

1 Whenever a person has been found guilty of an offense upon a
 2 verdict or a plea of guilty, the court may:

3 (a) defer imposition of sentence, excepting sentences
 4 for driving under the influence of alcohol or drugs, for a
 5 period, except as otherwise provided, not exceeding 1 year
 6 for any misdemeanor or for a period not exceeding 3 years
 7 for any felony. The sentencing judge may impose upon the
 8 defendant any reasonable restrictions or conditions during
 9 the period of the deferred imposition. Such reasonable
 10 restrictions or conditions may include:

- 11 (i) jail base release;
 12 (ii) jail time not exceeding 180 days;
 13 (iii) conditions for probation;
 14 (iv) restitution;
 15 (v) payment of the costs of confinement;
 16 (vi) payment of a fine as provided in 46-18-231;
 17 (vii) payment of costs as provided in 46-18-232 and
 18 46-18-233;
 19 (viii) payment of costs of court appointed counsel as
 20 provided in 46-8-113;
 21 (ix) community service;
 22 (x) any other reasonable conditions considered
 23 necessary for rehabilitation or for the protection of
 24 society; or
 25 (xi) any combination of the above.

1 (b) suspend execution of sentence up to the maximum
 2 sentence allowed for each particular offense. The sentencing
 3 judge may impose on the defendant any reasonable
 4 restrictions or conditions during the period of suspended
 5 sentence. Such reasonable restrictions or conditions may
 6 include any of those listed in subsections (1)(a)(i) through
 7 (1)(a)(xi).

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

9 (d) require payment of costs as provided in 46-18-232
 10 or payment of costs of court-appointed counsel as provided
 11 in 46-8-113;

12 (e) commit the defendant to a correctional institution
 13 with or without a fine as provided by law for the offense;

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

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

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

25 (4) Except as provided in 46-18-222, the imposition or

1 execution of the first 2 years of a sentence of imprisonment
 2 imposed under the following sections may not be deferred or
 3 suspended: 45-5-103~~(2)~~, 45-5-202(2), 45-5-302(2),
 4 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3), 45-9-101(2)
 5 and (3), 45-9-102(3), and 45-9-103(2).

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

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

16 (7) If the victim was less than 16 years old, the
 17 imposition or execution of the first 30 days of a sentence
 18 of imprisonment imposed under 45-5-502(3), 45-5-503,
 19 45-5-504, 45-5-505, or 45-5-507 may not be deferred or
 20 suspended. Section 46-18-222 does not apply to the first 30
 21 days of such imprisonment."

22 Section 8. Section 46-18-231, MCA, is amended to read:

23 "46-18-231. Fines in felony and misdemeanor cases. (1)
 24 Whenever, upon a verdict or a plea of guilty, a person has
 25 been found guilty of an offense for which a felony penalty

1 of imprisonment could be imposed, the court may impose a
 2 fine, only in accordance with subsection (3), and in lieu of
 3 or in addition to a sentence of imprisonment. For those
 4 crimes for which penalties are provided in 45-5-103(2),
 5 45-5-202(2), 45-5-302(2), 45-5-303(2), 45-5-401(2),
 6 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2) and (3),
 7 45-9-102(3), and 45-9-103(2), a fine may be imposed in
 8 accordance with subsection (3) in addition to a sentence of
 9 imprisonment.

10 (2) Whenever, upon a verdict or plea of guilty, a
 11 person has been found guilty of an offense for which a
 12 misdemeanor penalty of a fine could be imposed, the court
 13 may impose a fine only in accordance with subsection (3).

14 (3) The court may not sentence a defendant to pay a
 15 fine unless the defendant is or will be able to pay the
 16 fine. In determining the amount and method of payment, the
 17 court shall take into account the nature of the crime
 18 committed, the financial resources of the defendant, and the
 19 nature of the burden that payment of the fine will impose.

20 (4) Any fine levied under this section in a felony
 21 case shall be in an amount fixed by the court not to exceed
 22 \$50,000."

23 Section 9. Section 50-20-108, MCA, is amended to read:

24 "50-20-108. Protection of premature infants born
 25 alive. (1) A person commits the an offense of-criminal

1 homicide, as defined in ~~45-5-101~~ 45-5-102 through 45-5-104,
 2 if he purposely, knowingly, or negligently causes the death
 3 of a premature infant born alive, if such infant is viable.

4 (2) Whenever a premature infant which is the subject
 5 of abortion is born alive and is viable, it becomes a
 6 dependent and neglected child subject to the provisions of
 7 state law, unless:

8 (a) the termination of the pregnancy is necessary to
 9 preserve the life of the mother; or

10 (b) the mother and her spouse or either of them have
 11 agreed in writing in advance of the abortion or within 72
 12 hours thereafter to accept the parental rights and
 13 responsibilities of the premature infant if it survives the
 14 abortion procedure.

15 (3) No person may use any premature infant born alive
 16 for any type of scientific research or other kind of
 17 experimentation except as necessary to protect or preserve
 18 the life and health of such premature infant born alive.

19 (4) Violation of subsection (3) of this section is a
 20 felony."

21 Section 10. Section 50-20-112, MCA, is amended to
 22 read:

23 "50-20-112. Penalties. (1) A person convicted of
 24 criminal deliberate, mitigated, or negligent homicide under
 25 this chapter is subject to the penalties prescribed by

1 ~~45-5-101~~ 45-5-102 through 45-5-104.

2 (2) A person convicted of a felony other than ~~criminal~~
3 deliberate, mitigated, or negligent homicide under this
4 chapter is subject to a fine not to exceed \$1,000,
5 imprisonment in the state prison for a term not to exceed 5
6 years, or both.

7 (3) A person convicted of a misdemeanor under this
8 chapter is subject to a fine not to exceed \$500,
9 imprisonment in the county jail for a term not to exceed 6
10 months, or both."

11 NEW SECTION. Section 11. Repealer. Section 45-5-101,
12 MCA, is repealed.

-End-

1 House BILL NO. 873
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE HOMICIDE LAWS; AMENDING SECTIONS 41-5-305,
6 45-2-103, 45-2-202, 45-5-102 THROUGH 45-5-104, 46-18-201,
7 46-18-231, 50-20-108, AND 50-20-112, MCA; AND REPEALING
8 SECTION 45-5-101, MCA."

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

11 Section 1. Section 41-5-305, MCA, is amended to read:

12 "41-5-305. Detention and shelter care of youth. (1) A
13 youth taken into custody may not be detained in a jail or
14 other facility for detention purposes unless he has
15 allegedly committed an act which if committed by an adult
16 would constitute a criminal offense, and:

17 (a) the alleged act is one of the following:

18 (i) ~~criminal homicide as defined in 45-5-101~~ 45-5-102
19 through 45-5-104;

20 (ii) arson as defined in 45-6-103;

21 (iii) aggravated or felony assault as defined in
22 45-5-202;

23 (iv) robbery as defined in 45-5-401;

24 (v) burglary or aggravated burglary as defined in
25 45-6-204;

1 (vi) sexual intercourse without consent as defined in
2 45-5-503;

3 (vii) aggravated kidnapping as defined in 45-5-303;

4 (viii) possession of explosives as defined in 45-8-335;

5 (ix) criminal sale of dangerous drugs for profit as
6 included in 45-9-101; or

7 (x) attempt as defined in 45-4-103 of any of the acts
8 enumerated in subsections (1)(a)(i) through (1)(a)(ix);

9 (b) he has escaped from a correctional facility;

10 (c) he has violated a valid court order or an
11 aftercare agreement; or

12 (d) he meets the criteria for detention established by
13 the youth court.

14 (2) A youth taken into custody may not be sheltered
15 prior to the hearing on the petition except when:

16 (a) the youth and his family need shelter care to
17 address their problematic situation when it is not possible
18 for the youth to remain at home;

19 (b) the youth needs to be protected from physical or
20 emotional harm;

21 (c) the youth needs to be deterred or prevented from
22 immediate repetition of his troubling behavior;

23 (d) shelter care is necessary to assess the youth and
24 his environment;

25 (e) shelter care is necessary to provide adequate time

1 for case planning and disposition; or

2 (f) shelter care is necessary to intervene in a crisis
3 situation and provide intensive services or attention that
4 might alleviate the problem and reunite the family."

5 Section 2. Section 45-2-103, MCA, is amended to read:

6 "45-2-103. General requirements of criminal act and
7 mental state. (1) ~~A person is not guilty of an offense,~~
8 ~~other than~~ Except for deliberate homicide as defined in
9 45-5-102(1)(b) or an offense which involves absolute
10 liability, a person is not guilty of an offense unless, with
11 respect to each element described by the statute defining
12 the offense, he acts while having one of the mental states
13 described in subsections (33), (37), and (58) of 45-2-101.

14 (2) In deliberate homicide under 45-5-102(1)(b), the
15 offender must act while having the mental state of purposely
16 or knowingly only as to the underlying felony referred to in
17 45-5-102(1)(b).

18 (3) The existence of a mental state may be inferred
19 from the acts of the accused and the facts and circumstances
20 connected with the offense.

21 (4) If the statute defining an offense prescribes a
22 particular mental state with respect to the offense as a
23 whole without distinguishing among the elements thereof, the
24 prescribed mental state applies to each such element.

25 (5) Knowledge that certain conduct constitutes an

1 offense or knowledge of the existence, meaning, or
2 application of the statute defining an offense is not an
3 element of the offense unless the statute clearly defines it
4 as such.

5 (6) A person's reasonable belief that his conduct
6 does not constitute an offense is a defense if:

7 (a) the offense is defined by an administrative
8 regulation or order which is not known to him and has not
9 been published or otherwise made reasonably available to him
10 and he could not have acquired such knowledge by the
11 exercise of due diligence pursuant to facts known to him;

12 (b) he acts in reliance upon a statute which later is
13 determined to be invalid;

14 (c) he acts in reliance upon an order or opinion of
15 the Montana supreme court or a United States appellate court
16 later overruled or reversed; or

17 (d) he acts in reliance upon an official
18 interpretation of the statute, regulation, or order defining
19 the offense made by a public officer or agency legally
20 authorized to interpret such statute.

21 (7) If a person's reasonable belief is a defense
22 under subsection (6), nevertheless he may be convicted
23 of an included offense of which he would be guilty if the
24 law were as he believed it to be.

25 (8) Any defense based upon this section is an

1 affirmative defense."

2 Section 3. Section 45-2-202, MCA, is amended to read:

3 "45-2-202. Voluntary act. A material element of every
4 offense is a voluntary act, which includes an omission to
5 perform a duty which the law imposes on the offender and
6 which he is physically capable of performing, except for
7 deliberate homicide under 45-5-102(1)(b) for which there
8 must be a voluntary act only as to the underlying felony.

9 Possession is a voluntary act if the offender knowingly
10 procured or received the thing possessed or was aware of his
11 control thereof for a sufficient time to have been able to
12 terminate his control."

13 Section 4. Section 45-5-102, MCA, is amended to read:

14 "45-5-102. Deliberate homicide. (1) ~~Except as provided~~
15 ~~in 45-5-103(1), criminal homicide constitutes~~ A person
16 commits the offense of deliberate homicide if:

17 (a) ~~it is committed~~ he purposely or knowingly causes
18 the death of another human being; or

19 (b) ~~it is committed while the offender is engaged in~~
20 ~~or is an accomplice in the commission of, an attempt to~~
21 ~~commit, or flight after committing or attempting~~ he attempts
22 to commit, commits, or is legally accountable for the
23 attempt or commission of robbery, sexual intercourse without
24 consent, arson, burglary, kidnapping, aggravated kidnapping,
25 felonious escape, felony assault, aggravated assault, or any

1 ~~other forcible felony which involves the use or threat of~~
2 ~~physical force or violence against any individual and in the~~
3 ~~course of the forcible felony or flight thereafter, he or~~
4 ~~any person legally accountable for the crime causes the~~
5 ~~death of another human being.~~

6 (2) A person convicted of the offense of deliberate
7 homicide shall be punished by death or life imprisonment as
8 provided in 46-18-301 through 46-18-310 or by imprisonment
9 in the state prison for a term of not less than 10 years or
10 more than 100 years, except as provided in 46-18-222."

11 Section 5. Section 45-5-103, MCA, is amended to read:

12 "45-5-103. Mitigated deliberate homicide. (1) ~~Criminal~~
13 ~~homicide~~ constitutes A person commits the offense of
14 mitigated deliberate homicide when a homicide which would
15 otherwise be deliberate homicide is committed he purposely
16 or knowingly causes the death of another human being but

17 does so under the influence of extreme mental or emotional
18 stress for which there is reasonable explanation or excuse.
19 The reasonableness of such explanation or excuse shall be
20 determined from the viewpoint of a reasonable person in the
21 actor's situation.

22 (2) It is an affirmative defense that the defendant
23 acted under the influence of extreme mental or emotional
24 stress for which there was reasonable explanation or excuse,
25 the reasonableness of which shall be determined from the

1 viewpoint of a reasonable person in the actor's situation.
 2 This defense constitutes a mitigating circumstance reducing
 3 deliberate homicide to mitigated deliberate homicide and
 4 must be proved by the defendant by a preponderance of the
 5 evidence.

6 (3) Mitigated deliberate homicide is not an included
 7 offense of deliberate homicide as defined in 45-5-102(1)(b).

8 †2†(4) A person convicted of mitigated deliberate
 9 homicide shall be imprisoned in the state prison for a term
 10 of not less than 2 years or more than 40 years and may be
 11 fined not more than \$50,000, except as provided in
 12 46-18-222."

13 Section 6. Section 45-5-104, MCA, is amended to read:

14 "45-5-104. Negligent homicide. (1) ~~Eriminal--homicide~~
 15 constitutes A person commits the offense of negligent
 16 homicide when-it-is-committed if he negligently causes the
 17 death of another human being.

18 (2) Negligent homicide is not an included offense of
 19 deliberate homicide as defined in 45-5-102(1)(b).

20 †2†(3) A person convicted of negligent homicide shall
 21 be imprisoned in the state prison for any term not to exceed
 22 10 years or be fined an amount not to exceed \$50,000, or
 23 both."

24 Section 7. Section 46-18-201, MCA, is amended to read:

25 "46-18-201. Sentences that may be imposed. (1)

1 Whenever a person has been found guilty of an offense upon a
 2 verdict or a plea of guilty, the court may:

3 (a) defer imposition of sentence, excepting sentences
 4 for driving under the influence of alcohol or drugs, for a
 5 period, except as otherwise provided, not exceeding 1 year
 6 for any misdemeanor or for a period not exceeding 3 years
 7 for any felony. The sentencing judge may impose upon the
 8 defendant any reasonable restrictions or conditions during
 9 the period of the deferred imposition. Such reasonable
 10 restrictions or conditions may include:

- 11 (i) jail base release;
 12 (ii) jail time not exceeding 180 days;
 13 (iii) conditions for probation;
 14 (iv) restitution;
 15 (v) payment of the costs of confinement;
 16 (vi) payment of a fine as provided in 46-18-231;
 17 (vii) payment of costs as provided in 46-18-232 and
 18 46-18-233;
 19 (viii) payment of costs of court appointed counsel as
 20 provided in 46-8-113;
 21 (ix) community service;
 22 (x) any other reasonable conditions considered
 23 necessary for rehabilitation or for the protection of
 24 society; or
 25 (xi) any combination of the above.

1 (b) suspend execution of sentence up to the maximum
 2 sentence allowed for each particular offense. The sentencing
 3 judge may impose on the defendant any reasonable
 4 restrictions or conditions during the period of suspended
 5 sentence. Such reasonable restrictions or conditions may
 6 include any of those listed in subsections (1)(a)(i) through
 7 (1)(a)(xi).

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

9 (d) require payment of costs as provided in 46-18-232
 10 or payment of costs of court-appointed counsel as provided
 11 in 46-8-113;

12 (e) commit the defendant to a correctional institution
 13 with or without a fine as provided by law for the offense;

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

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

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

25 (4) Except as provided in 46-18-222, the imposition or

1 execution of the first 2 years of a sentence of imprisonment
 2 imposed under the following sections may not be deferred or
 3 suspended: 45-5-103~~(2)~~, 45-5-202(2), 45-5-302(2),
 4 45-5-303(2), 45-5-401(2), 45-5-503(2) and (3), 45-9-101(2)
 5 and (3), 45-9-102(3), and 45-9-103(2).

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

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

16 (7) If the victim was less than 16 years old, the
 17 imposition or execution of the first 30 days of a sentence
 18 of imprisonment imposed under 45-5-502(3), 45-5-503,
 19 45-5-504, 45-5-505, or 45-5-507 may not be deferred or
 20 suspended. Section 46-18-222 does not apply to the first 30
 21 days of such imprisonment."

22 Section 8. Section 46-18-231, MCA, is amended to read:

23 "46-18-231. Fines in felony and misdemeanor cases. (1)
 24 Whenever, upon a verdict or a plea of guilty, a person has
 25 been found guilty of an offense for which a felony penalty

1 of imprisonment could be imposed, the court may impose a
 2 fine, only in accordance with subsection (3), and in lieu of
 3 or in addition to a sentence of imprisonment. For those
 4 crimes for which penalties are provided in 45-5-103~~(2)~~,
 5 45-5-202(2), 45-5-302(2), 45-5-303(2), 45-5-401(2),
 6 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2) and (3),
 7 45-9-102(3), and 45-9-103(2), a fine may be imposed in
 8 accordance with subsection (3) in addition to a sentence of
 9 imprisonment.

10 (2) Whenever, upon a verdict or plea of guilty, a
 11 person has been found guilty of an offense for which a
 12 misdemeanor penalty of a fine could be imposed, the court
 13 may impose a fine only in accordance with subsection (3).

14 (3) The court may not sentence a defendant to pay a
 15 fine unless the defendant is or will be able to pay the
 16 fine. In determining the amount and method of payment, the
 17 court shall take into account the nature of the crime
 18 committed, the financial resources of the defendant, and the
 19 nature of the burden that payment of the fine will impose.

20 (4) Any fine levied under this section in a felony
 21 case shall be in an amount fixed by the court not to exceed
 22 \$50,000."

23 Section 9. Section 50-20-108, MCA, is amended to read:

24 "50-20-108. Protection of premature infants born
 25 alive. (1) A person commits the an offense of-criminal

1 homicide, as defined in ~~45-5-101~~ 45-5-102 through 45-5-104,
 2 if he purposely, knowingly, or negligently causes the death
 3 of a premature infant born alive, if such infant is viable.

4 (2) Whenever a premature infant which is the subject
 5 of abortion is born alive and is viable, it becomes a
 6 dependent and neglected child subject to the provisions of
 7 state law, unless:

8 (a) the termination of the pregnancy is necessary to
 9 preserve the life of the mother; or

10 (b) the mother and her spouse or either of them have
 11 agreed in writing in advance of the abortion or within 72
 12 hours thereafter to accept the parental rights and
 13 responsibilities of the premature infant if it survives the
 14 abortion procedure.

15 (3) No person may use any premature infant born alive
 16 for any type of scientific research or other kind of
 17 experimentation except as necessary to protect or preserve
 18 the life and health of such premature infant born alive.

19 (4) Violation of subsection (3) of this section is a
 20 felony."

21 Section 10. Section 50-20-112, MCA, is amended to
 22 read:

23 "50-20-112. Penalties. (1) A person convicted of
 24 criminal deliberate, mitigated, or negligent homicide under
 25 this chapter is subject to the penalties prescribed by

1 ~~45-5-101~~ 45-5-102 through 45-5-104.

2 (2) A person convicted of a felony other than ~~criminal~~
3 deliberate, mitigated, or negligent homicide under this
4 chapter is subject to a fine not to exceed \$1,000,
5 imprisonment in the state prison for a term not to exceed 5
6 years, or both.

7 (3) A person convicted of a misdemeanor under this
8 chapter is subject to a fine not to exceed \$500,
9 imprisonment in the county jail for a term not to exceed 6
10 months, or both."

11 NEW SECTION. Section 11. Repealer. Section 45-5-101,
12 MCA, is repealed.

-End-

1 HOUSE BILL NO. 873

2 INTRODUCED BY HANNAH, PINSONEAULT

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE HOMICIDE LAWS; AMENDING SECTIONS 41-5-305,
6 45-2-103, 45-2-202, 45-5-102 THROUGH 45-5-104, 46-18-201,
7 46-18-231, 50-20-108, AND 50-20-112, MCA; AND REPEALING
8 SECTION 45-5-101, MCA."

9

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

11 Section 1. Section 41-5-305, MCA, is amended to read:

12 "41-5-305. Detention and shelter care of youth. (1) A
13 youth taken into custody may not be detained in a jail or
14 other facility for detention purposes unless he has
15 allegedly committed an act which if committed by an adult
16 would constitute a criminal offense, and:

17 (a) the alleged act is one of the following:

18 (i) ~~criminal~~ homicide as defined in ~~45-5-101~~ 45-5-102
19 through 45-5-104;

20 (ii) arson as defined in 45-6-103;

21 (iii) aggravated or felony assault as defined in
22 45-5-202;

23 (iv) robbery as defined in 45-5-401;

24 (v) burglary or aggravated burglary as defined in
25 45-6-204;

THERE ARE NO CHANGES ON HB 873 AND DUE
TO LENGTH WILL NOT BE REPRINTED. PLEASE
REFER TO SECOND READING (YELLOW) OR
THIRD READING (BLUE) FOR COMPLETE TEXT.

REFERENCE BILL