

IN THE SENATE

MARCH 31, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 Senate BILL NO. 77
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING AGGRAVATED
5 KIDNAPPING THAT RESULTS IN THE DEATH OF A PERSON WHO RESCUES
6 OR ATTEMPTS TO RESCUE THE VICTIM AN AGGRAVATING CIRCUMSTANCE
7 FOR PURPOSES OF DECIDING WHETHER TO IMPOSE THE DEATH
8 PENALTY; AND AMENDING SECTION 46-18-303, MCA."

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

11 Section 1. Section 46-18-303, MCA, is amended to read:
12 "46-18-303. Aggravating circumstances. Aggravating
13 circumstances are any of the following:

14 (1) The offense was deliberate homicide and was
15 committed by a person serving a sentence of imprisonment in
16 the state prison.

17 (2) The offense was deliberate homicide and was
18 committed by a defendant who had been previously convicted
19 of another deliberate homicide.

20 (3) The offense was deliberate homicide and was
21 committed by means of torture.

22 (4) The offense was deliberate homicide and was
23 committed by a person lying in wait or ambush.

24 (5) The offense was deliberate homicide and was
25 committed as a part of a scheme or operation which, if

1 completed, would result in the death of more than one
2 person.

3 (6) The offense was deliberate homicide as defined in
4 subsection (1)(a) of 45-5-102, and the victim was a peace
5 officer killed while performing his duty.

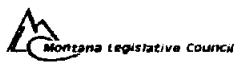
6 (7) The offense was aggravated kidnapping which
7 resulted in the death of the victim or of a person who
8 rescued or attempted to rescue the victim.

9 (8) The offense was attempted deliberate homicide,
10 aggravated assault, or aggravated kidnapping committed while
11 incarcerated at the state prison by a person who has been
12 previously:

13 (a) convicted of the offense of deliberate homicide;
14 or

15 (b) found to be a persistent felony offender pursuant
16 to part 5 of this chapter and one of the convictions was for
17 an offense against the person in violation of Title 45,
18 chapter 5, for which the minimum prison term is not less
19 than 2 years."

-End-



-2- INTRODUCED BILL
SB-77

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 77

INTRODUCED BY PINSONEAULT

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING AGGRAVATED KIDNAPPING THAT RESULTS IN THE DEATH BY DIRECT ACTION OF THE DEFENDANT OF A PERSON WHO RESCUES OR ATTEMPTS TO RESCUE THE VICTIM AN AGGRAVATING CIRCUMSTANCE FOR PURPOSES OF DECIDING WHETHER TO IMPOSE THE DEATH PENALTY; AND AMENDING SECTION 46-18-303, MCA."

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Section 1. Section 46-18-303, MCA, is amended to read:

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(4) The offense was deliberate homicide and was committed by a person lying in wait or ambush.

(5) The offense was deliberate homicide and was

committed as a part of a scheme or operation which, if completed, would result in the death of more than one person.

(6) The offense was deliberate homicide as defined in subsection (1)(a) of 45-5-102, and the victim was a peace officer killed while performing his duty.

(7) The offense was aggravated kidnapping which resulted in the death of the victim or THE DEATH BY DIRECT ACTION OF THE DEFENDANT of a person who rescued or attempted to rescue the victim.

(8) The offense was attempted deliberate homicide, aggravated assault, or aggravated kidnapping committed while incarcerated at the state prison by a person who has been previously:

(a) convicted of the offense of deliberate homicide; or

(b) found to be a persistent felony offender pursuant to part 5 of this chapter and one of the convictions was for an offense against the person in violation of Title 45, chapter 5, for which the minimum prison term is not less than 2 years."

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