

SENATE BILL NO. 96

INTRODUCED BY RASMUSSEN, HALLIGAN

IN THE SENATE

JANUARY 13, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

JANUARY 26, 1987 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 27, 1987 PRINTING REPORT.

 ON MOTION, TAKEN FROM SECOND READING
 AND REREFERRED TO COMMITTEE
 ON JUDICIARY.

JANUARY 29, 1987 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 30, 1987 PRINTING REPORT.

FEBRUARY 2, 1987 SECOND READING, DO PASS.

FEBRUARY 3, 1987 ENGROSSING REPORT.

FEBRUARY 4, 1987 THIRD READING, PASSED.
 AYES, 50; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

MARCH 17, 1987 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN. REPORT ADOPTED.

MARCH 20, 1987 SECOND READING, CONCURRED IN.

 ON MOTION, TAKEN FROM THIRD READING
 AND REREFERRED TO COMMITTEE
 ON APPROPRIATIONS.

MARCH 26, 1987

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 28, 1987

SECOND READING, CONCURRED IN.

MARCH 30, 1987

THIRD READING, CONCURRED IN.
AYES, 96; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 Senate BILL NO. 96
2 INTRODUCED BY Rasmussen Valley
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH ADDITIONAL
5 PENALTIES FOR INDIVIDUALS CONVICTED FOR TWO OR MORE
6 INCIDENTS OF ELDER ABUSE, NEGLECT, OR EXPLOITATION; AND
7 AMENDING SECTION 53-5-525, MCA."

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

10 Section 1. Section 53-5-525, MCA, is amended to read:

11 "53-5-525. Penalties. (1) Any person who purposely or
12 knowingly fails to make a report required by 53-5-511 or
13 discloses or fails to disclose the contents of a case record
14 or report in violation of 53-5-513 is guilty of a
15 misdemeanor an offense and upon conviction is punishable as
16 provided in 46-18-212.

17 (2) Any individual who purposely or knowingly abuses,
18 neglects, or exploits an older person is guilty of a
19 misdemeanor an offense and upon conviction:

20 (a) of a first offense may be fined an amount not to
21 exceed \$500 or be imprisoned in the county jail for a term
22 not to exceed 6 months, or both; and

23 (b) of a second or succeeding offense shall be fined
24 not less than \$1,000 or be imprisoned in the state prison
25 for a term not less than 1 year, or both."

1 NEW SECTION. Section 2. Extension of authority. Any
2 existing authority of the department of social and
3 rehabilitation services to make rules on the subject of the
4 provisions of this act is extended to the provisions of this
5 act.

-End-



-2- INTRODUCED BILL
SB 96

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB096, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to establish additional penalties for individuals convicted for two or more incidents of elder abuse, neglect, or exploitation; and amending Section 53-5-525, MCA.

ASSUMPTIONS:

1. The variable cost for an additional inmate at the Montana State Prison was about \$2,500 per capita in fiscal year 1986.
2. There were fewer than 10 cases of elder abuse prosecuted in calendar 1986.
3. No data is compiled regarding the fines and sentences imposed regarding cases of elder abuse.

FISCAL IMPACT:

The fiscal impact of this law cannot be accurately determined. The cost to the state general fund would depend on the types of sentences given to persons found guilty of abuse of an elderly person.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The fiscal impact of this law on county general funds would depend on the type of sentence given to persons found guilty of elder abuse. There is not sufficient data available to make an accurate fiscal estimate.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

David L. Hunter DATE 1/15/87

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

Tom Rasmussen DATE 1-15-87

TOM RASMUSSEN, PRIMARY SPONSOR

Fiscal Note for SB096, as introduced.

SB-96

RE-REFERRED AND
APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 96

INTRODUCED BY RASMUSSEN, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH ADDITIONAL
PENALTIES FOR INDIVIDUALS CONVICTED FOR TWO OR MORE
INCIDENTS OF ELDER ABUSE, NEGLIGENCE, OR EXPLOITATION; AND
AMENDING SECTION 53-5-525, MCA."

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

Section 1. Section 53-5-525, MCA, is amended to read:

"53-5-525. Penalties. (1) Any person who purposely or
knowingly fails to make a report required by 53-5-511 or
discloses or fails to disclose the contents of a case record
or report in violation of 53-5-513 is guilty of a
misdemeanor an offense and upon conviction is punishable as
provided in 46-18-212.

(2) Any individual who purposely or knowingly abuses,
neglects, or exploits an older person is guilty of a
misdemeanor an

~~(a) -- A MISDEMEANOR FOR A FIRST AN offense and upon A
FIRST conviction;~~

~~(a) -- of a first offense may be fined an amount not to
exceed \$500 or be imprisoned in the county jail for a term
not to exceed 6 months, or both, and~~

~~(b) -- of A FEEBONY FOR a second or succeeding offense~~

~~shall AND UPON A SECOND OR SUCCEEDING CONVICTION MAY be
fined not less than \$1,000 or be imprisoned in the state
prison for a term not less than 1 year TO EXCEED 10 YEARS
AND MAY BE FINED AN AMOUNT NOT TO EXCEED \$10,000, or both."~~

NEW SECTION. Section 2. Extension of authority. Any
existing authority of the department of social and
rehabilitation services to make rules on the subject of the
provisions of this act is extended to the provisions of this
act.

-End-



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INTRODUCED BY RASMUSSEN, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH ADDITIONAL PENALTIES FOR INDIVIDUALS CONVICTED FOR TWO OR MORE INCIDENTS OF ELDER ABUSE, NEGLECT, OR EXPLOITATION; AND AMENDING SECTION 53-5-525, MCA."

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

Section 1. Section 53-5-525, MCA, is amended to read:

"53-5-525. Penalties. (1) Any person who purposely or knowingly fails to make a report required by 53-5-511 or discloses or fails to disclose the contents of a case record or report in violation of 53-5-513 is guilty of a misdemeanor an offense and upon conviction is punishable as provided in 46-18-212.

(2) Any individual who purposely or knowingly abuses, neglects, or exploits an older person is guilty of a misdemeanor an

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~~(b) -- of A PENALTY FOR a second or succeeding offense~~

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NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of social and rehabilitation services to make rules on the subject of the provisions of this act is extended to the provisions of this act.

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(2) Any individual who purposely or knowingly abuses, neglects, or exploits an older person is guilty of a misdemeanor an

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~~(a) -- of a first offense may be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both; and~~

~~(b) -- of A -- PUNISHABLE -- FOR -- A -- SECOND -- OR -- SUCCEEDING -- OFFENSE~~

~~shall AND UPON A SECOND OR SUCCEEDING CONVICTION MAY be fined not less than \$1,000 or be imprisoned in the state prison for a term not less than 1 year TO EXCEED 10 YEARS AND MAY BE FINED AN AMOUNT NOT TO EXCEED \$10,000, or both."~~

NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of social and rehabilitation services to make rules on the subject of the provisions of this act is extended to the provisions of this act.

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