

SENATE BILL NO. 144
INTRODUCED BY BLAYLOCK
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE SENATE

JANUARY 19, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

JANUARY 28, 1987 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 29, 1987 PRINTING REPORT.

JANUARY 31, 1987 SECOND READING, DO PASS.

FEBRUARY 2, 1987 ENGROSSING REPORT.

FEBRUARY 3, 1987 THIRD READING, PASSED.
 AYES, 48; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

MARCH 5, 1987 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 7, 1987 SECOND READING, CONCURRED IN.

MARCH 9, 1987 THIRD READING, CONCURRED IN.
 AYES, 93; NOES, 2.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 20, 1987 RECEIVED FROM HOUSE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

MARCH 21, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

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1 Senate BILL NO. 144
 2 INTRODUCED BY Blaylock
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
 6 OF INSTITUTIONS TO PETITION A SENTENCING COURT FOR REVIEW OF
 7 A SENTENCE OF A MENTALLY ILL OFFENDER; REMOVING LANGUAGE
 8 REQUIRING THAT THE OFFENDER BE CURED; AND AMENDING SECTION
 9 46-14-312, MCA."
 10

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

12 Section 1. Section 46-14-312, MCA, is amended to read:

13 "46-14-312. Sentence to be imposed. (1) If the court
 14 finds that the defendant at the time of the commission of
 15 the offense of which he was convicted did not suffer from a
 16 mental disease or defect as described in 46-14-311, it shall
 17 sentence him as provided in Title 46, chapter 18.

18 (2) If the court finds that the defendant at the time
 19 of the commission of the offense suffered from a mental
 20 disease or defect as described in 46-14-311, any mandatory
 21 minimum sentence prescribed by law for the offense need not
 22 apply and the court shall sentence him to be committed to
 23 the custody of the director of the department of
 24 institutions to be placed in an appropriate institution for
 25 custody, care, and treatment for a definite period of time

1 not to exceed the maximum term of imprisonment that could be
 2 imposed under subsection (1). The authority of the court
 3 with regard to sentencing is the same as authorized in Title
 4 46, chapter 18, provided the treatment of the individual and
 5 the protection of the public are provided for.

6 (3) A Either the director or a defendant whose
 7 sentence has been imposed under subsection (2) may petition
 8 the sentencing court for review of the sentence if the
 9 professional person certifies that the defendant ~~has been~~
 10 ~~cured of no longer suffers from~~ the mental disease or
 11 defect. The sentencing court may make any order not
 12 inconsistent with its original sentencing authority except
 13 that the length of confinement or supervision must be equal
 14 to that of the original sentence. The professional person
 15 shall review the defendant's status each year."

-End-



APPROVED BY COMMITTEE
ON JUDICIARY

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11 OR IS NOT CONSIDERED A DANGER TO HIMSELF OR OTHERS. The
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-End-

SECOND READING



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-End-

THIRD READING



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8 ~~REQUIRING--THAT--THE--OFFENDER--BE--CURED~~ CHANGING WHAT MUST BE
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8 sentence has been imposed under subsection (2) may petition
9 the sentencing court for review of the sentence if the
10 professional person certifies that ~~the--defendant--has--been~~
11 ~~cured of no longer suffers from the mental disease or defect~~
12 ~~OR IS NOT CONSIDERED A DANGER TO HIMSELF OR OTHERS.--The:~~

13 (A) THE DEFENDANT NO LONGER SUFFERS FROM A MENTAL
14 DISEASE OR DEFECT;

15 (B) THE DEFENDANT'S MENTAL DISEASE OR DEFECT NO LONGER
16 RENDERS HIM UNABLE TO APPRECIATE THE CRIMINALITY OF HIS
17 CONDUCT OR TO CONFORM HIS CONDUCT TO THE REQUIREMENTS OF
18 LAW; OR

19 (C) THE DEFENDANT SUFFERS FROM A MENTAL DISEASE OR
20 DEFECT THAT MAKES HIM A DANGER TO HIMSELF OR OTHERS, BUT
21 EITHER THERE IS NO TREATMENT AVAILABLE FOR HIS MENTAL
22 DISEASE OR DEFECT OR HE REFUSES TO COOPERATE WITH TREATMENT.

23 (4) THE sentencing court may make any order not
24 inconsistent with its original sentencing authority except
25 that the length of confinement or supervision must be equal

SB 0144/03

1 to that of the original sentence. The professional person
2 shall review the defendant's status each year."

-End-

STANDING COMMITTEE REPORT

HOUSE

MARCH 5,

19 87

JUDICIARY

Mr. Speaker: We, the committee on

report SENATE BILL NO. ~~144~~ 144

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Title, lines 7 and 8.

Strike: "REMOVING" on line 7 through "CURE^D" on line 8

Insert: "CHANGING WHAT MUST BE CERTIFIED BEFORE A PETITION MAY BE FILED"

2. Page 2, lines 9 through 11.

Strike: "the defendant" on line 9 through "The" on line 11

Insert: ":

(a) the defendant no longer suffers from a mental disease or defect;

(b) the defendant's mental disease or defect no longer renders him unable to appreciate the criminality of his conduct or to conform his conduct to the requirements of law; or

(c) the defendant suffers from a mental disease or defect that makes him a danger to himself or others, but either there is no treatment available for his mental disease or defect or he refuses to cooperate with treatment.

(4) The"

ASB144/JM/JM2

THIRD

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reading copy () color

M.S.