

HOUSE BILL NO. 27

INTRODUCED BY CODY, GIACOMETTO, NISBET, DARKO, PETERSON,  
L. NELSON, STEPPLER, REHBERG, VAUGHN, NATHE, JENKINS,  
MARKS, CAMPBELL, MANNING, MERCER

IN THE HOUSE

DECEMBER 30, 1988	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 2, 1989	FIRST READING.
JANUARY 5, 1989	ON MOTION BY CHIEF SPONSOR, REPRESENTATIVES GIACOMETTO, NISBET, DARKO, PETERSON, L. NELSON, STEPPLER, REHBERG, VAUGHN, NATHE, JENKINS, MARKS, CAMPBELL, MANNING, AND MERCER ADDED AS SPONSORS.
JANUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 17, 1989	PRINTING REPORT.
JANUARY 18, 1989	SECOND READING, DO PASS.
JANUARY 19, 1989	ENGROSSING REPORT.
JANUARY 20, 1989	THIRD READING, PASSED. AYES, 77; NOES, 16.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1989	SECOND READING, CONCURRED IN.

MARCH 6, 1989

THIRD READING, CONCURRED IN.  
AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 7, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1                    HOUSE    BILL NO. 27

2    INTRODUCED BY   CODY

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT MAKING A SEXUAL CRIME  
5    THAT RESULTS IN THE DEATH OF A MINOR AN AGGRAVATING  
6    CIRCUMSTANCE IN DECIDING WHETHER TO IMPOSE THE DEATH  
7    PENALTY; AND AMENDING SECTION 46-18-303, MCA."

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

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

11        "46-18-303. Aggravating circumstances. Aggravating  
12    circumstances are any of the following:

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

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

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

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

23        (5) The offense was deliberate homicide and was  
24    committed as a part of a scheme or operation which, if  
25    completed, would result in the death of more than one

1    person.

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

5        (7) The offense was aggravated kidnapping which  
6    resulted in the death of the victim or the death by direct  
7    action of the defendant of a person who rescued or attempted  
8    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.

20        (9) The offense was deliberate homicide and was  
21    committed by a person during the course of committing sexual  
22    assault, sexual intercourse without consent, deviate sexual  
23    conduct, or incest, and the victim was less than 18 years of  
24    age."

-End-

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INTRODUCED BILL  
HB 27

APPROVED BY COMMITTEE  
ON JUDICIARY

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4 (6) The offense was deliberate homicide as defined in  
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