

HOUSE BILL 286

Introduced by Lee, et al.

1/18	Introduced
1/19	Referred to Judiciary
1/31	Hearing
1/31	Committee Report--Bill Passed as Amended
2/02	2nd Reading Passed
2/04	3rd Reading Passed

Transmitted to Senate

2/06	Referred to Judiciary
3/02	Hearing
3/02	Committee Report--Bill Concurred
3/03	2nd Reading Concurred
3/06	3rd Reading Failed

1 House BILL NO. 286
2 INTRODUCED BY Joe Connolly
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A JUDGE
5 IN A JUSTICE'S, CITY, OR MUNICIPAL COURT MAY IMPOSE ON A
6 SENTENCE THE CONDITION THAT THE DEFENDANT NOT OWN OR CARRY A
7 DANGEROUS WEAPON; AND AMENDING SECTION 46-18-202, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 46-18-202, MCA, is amended to read:

11 **"46-18-202. Additional restrictions on sentence. (1)**
12 The district court may also impose any of the following
13 restrictions or conditions on the sentence provided for in
14 46-18-201 which it considers necessary to obtain the
15 objectives of rehabilitation and the protection of society:

16 (a) prohibition of the defendant's holding public
17 office;

18 (b) prohibition of his owning or carrying a dangerous
19 weapon;

20 (c) restrictions on his freedom of association;

21 (d) restrictions on his freedom of movement;

22 (e) any other limitation reasonably related to the
23 objectives of rehabilitation and the protection of society.

24 (2) Whenever the district court imposes a sentence of
25 imprisonment in the state prison for a term exceeding 1

1 year, the court may also impose the restriction that the
2 defendant be ineligible for parole and participation in the
3 supervised release program while serving his term. If such
4 a restriction is to be imposed, the court shall state the
5 reasons for it in writing. If the court finds that the
6 restriction is necessary for the protection of society, it
7 shall impose the restriction as part of the sentence and the
8 judgment shall contain a statement of the reasons for the
9 restriction.

10 (3) The judge in a justice's, city, or municipal court
11 does not have the authority to restrict an individual's
12 rights as enumerated in subsections (1)(a), (1)(c) through
13 (1)(e), and (2) but may impose the condition contained in
14 subsection (1)(b) on a sentence provided for in 46-18-201 if
15 the judge considers it necessary to obtain the objectives of
16 rehabilitation and for the protection of society.

17 (4) When the district court imposes a sentence of
18 probation as defined in 46-23-1001, any probation agreement
19 signed by the defendant may contain a clause waiving
20 extradition."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 286

INTRODUCED BY LEE, CONNELLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A JUDGE IN A JUSTICE'S, CITY, OR MUNICIPAL COURT MAY IMPOSE ON A SENTENCE THE CONDITION THAT THE DEFENDANT NOT OWN USE OR CARRY A DANGEROUS WEAPON; AND AMENDING SECTION 46-18-202, MCA."

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

Section 1. Section 46-18-202, MCA, is amended to read:**"46-18-202. Additional restrictions on sentence.** (1)

The district court may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201 which it considers necessary to obtain the objectives of rehabilitation and the protection of society:

(a) prohibition of the defendant's holding public office;

(b) prohibition of his owning or carrying a dangerous weapon;

(c) restrictions on his freedom of association;

(d) restrictions on his freedom of movement;

(e) any other limitation reasonably related to the objectives of rehabilitation and the protection of society.

(2) Whenever the district court imposes a sentence of

imprisonment in the state prison for a term exceeding 1 year, the court may also impose the restriction that the defendant be ineligible for parole and participation in the supervised release program while serving his term. If such a restriction is to be imposed, the court shall state the reasons for it in writing. If the court finds that the restriction is necessary for the protection of society, it shall impose the restriction as part of the sentence and the judgment shall contain a statement of the reasons for the restriction.

(3) The judge in a justice's, city, or municipal court does not have the authority to restrict an individual's rights as enumerated in subsections (1)~~(a)~~~~--(i)(c)--through~~~~(i)(e)~~ and (2) ~~but may impose the condition contained in subsection (i)(b) on a sentence provided for in 46-18-201 if the judge considers it necessary to obtain the objectives of rehabilitation and for the protection of society~~ RESTRICT AN INDIVIDUAL'S RIGHT TO CARRY OR USE DANGEROUS WEAPONS AS A CONDITION OF SENTENCE.

(4) When the district court imposes a sentence of probation as defined in 46-23-1001, any probation agreement signed by the defendant may contain a clause waiving extradition."

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6 reasons for it in writing. If the court finds that the
7 restriction is necessary for the protection of society, it
8 shall impose the restriction as part of the sentence and the
9 judgment shall contain a statement of the reasons for the
10 restriction.

11 (3) The judge in a justice's, city, or municipal court
12 does not have the authority to restrict an individual's
13 rights as enumerated in subsections (1)~~(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z)~~
14 ~~(1)(e)~~ and (2) ~~but may impose the condition contained in~~
15 ~~subsection (1)(b) on a sentence provided for in 46-18-201 if~~
16 ~~the judge considers it necessary to obtain the objectives of~~
17 ~~rehabilitation and for the protection of society~~ RESTRICT AN
18 INDIVIDUAL'S RIGHT TO CARRY OR USE DANGEROUS WEAPONS AS A
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(3) The judge in a justice's, city, or municipal court does not have the authority to restrict an individual's rights as enumerated in subsections (1)(a), ~~---(1)(c)---through (1)(e)~~, and (2) but may impose the condition contained in subsection (1)(b) on a sentence provided for in 46-18-201 if the judge considers it necessary to obtain the objectives of rehabilitation and for the protection of society RESTRICT AN INDIVIDUAL'S RIGHT TO CARRY OR USE DANGEROUS WEAPONS AS A CONDITION OF SENTENCE.

(4) When the district court imposes a sentence of probation as defined in 46-23-1001, any probation agreement signed by the defendant may contain a clause waiving extradition."

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