HOUSE BILL NO. 593

INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE, STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT, MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE, CONNELLY, BRADLEY, DAILY, PAVLOVICH, JACOBSON, VINCENT, VAUGHN, YELLOWTAIL

IN THE HOUSE

- FEBRUARY 2, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
- FEBRUARY 7, 1989 FIRST READING.
- FEBRUARY 15, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 16, 1989 PRINTING REPORT.
 - SECOND READING, DO PASS AS AMENDED.
 - ENGROSSING REPORT.
 - THIRD READING, PASSED. AYES, 94; NOES, 2.
 - TRANSMITTED TO SENATE.
 - IN THE SENATE

FEBRUARY 28, 1989

FEBRUARY 18, 1989

FEBRUARY 20, 1989

FEBRUARY 21, 1989

FIRST READING.

MARCH 28, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

MARCH 29, 1989 THIRD READING, CONCURRED IN. AYES, 47; NOES, 2.

RETURNED TO HOUSE WITH AMENDMENTS.

INTRODUCED AND REFERRED TO COMMITTEE

ON PUBLIC HEALTH, WELFARE & SAFETY.

IN THE HOUSE

MARCH 31, 1989

م د

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

.

REPORTED CORRECTLY ENROLLED.

1

COUNSELING

2

3

А

6

7

8

HOE BILL NO. INTRODUCED BY MANONA TUN Knarke Steriesen War LBUNK Re

"AN ACT REQUIRING

5 FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE FIRST OR 6 SECOND TIME; AND AMENDING SECTION 45-5-206, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 45-5-206, MCA, is amended to read:
 10 "45-5-206. Domestic abuse. (1) A person commits the
 11 offense of domestic abuse if he:

12 (a) purposely or knowingly causes bodily injury to a
13 family member or household member; or

reasonable 14 (b) purposely or knowingly causes apprehension of bodily injury in a family member 15 or household member. The purpose to cause reasonable 16 17 apprehension or the knowledge that reasonable apprehension would be caused shall be presumed in any case in which a 18 person knowingly points a firearm at or in the direction of 19 a family member or household member, whether or not the 20 21 offender believes the firearm to be loaded.

(2) For the purposes of this section and 46-6-401,
"family member or household member" means a spouse, former
spouse, adult person related by blood or marriage, or adult
person of the opposite sex residing with the defendant or

Wontana Legislative Council

1 who formerly resided with the defendant.

(3) A person convicted of domestic abuse for the first or second time shall be fined not to exceed \$500 or be imprisoned in the county jail not to exceed 6 months, or both. On a third or subsequent conviction for domestic abuse, the person convicted shall be fined not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 5 years, or both.

- 9 (4) A person convicted of domestic abuse for the first or second time shall be required to complete at least 6 10 months of counseling, totaling at least 25 hours, with a 11 12 person licensed under Title 37, chapter 3, 17, 22, or 23. The counseling must be directed to the violent conduct of 13 14 the convicted person. This subsection does not prohibit the placement of the convicted person in other appropriate 15 treatment if the court determines there is no available 16 treatment program directed to the violent conduct of the 17 convicted person. Upon the recommendation of the counselor, 18 the sentencing judge may order additional counseling. 19 20 Willful failure to obtain or pay for counseling ordered
- 21 under this section is a civil contempt of court."

-End-

-2- INTRODUCED BILL HB 593

51st Legislature

•

HB 0593/02

APPROVED BY COMMITTEE ON JUDICIARY

1	HOUSE BILL NO. 593	1	(2) For the purposes of this
2	INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE,	2	"family member or household member
3	STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT,	3	spouse, adult person related by bloo
4	MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE,	4	person of the opposite sex residi
5	CONNELLY, BRADLEY, DAILY, PAVLOVICH,	5	who formerly resided with the defend
6	JACOBSON, VINCENT, VAUGHN, YELLOWTAIL	6	(3) A person convicted of dome
7		7	or second time shall be fined not
8	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNSELING	8	imprisoned in the county jail no
9	FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE FIRST OR	9	both. On a third or subsequent c
10	SECOND TIME; AND AMENDING SECTION 45-5-206, MCA."	10	abuse, the person convicted shal
11		11	\$50,000 or be imprisoned in the stat
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	to exceed 5 years, or both.
13	Section 1. Section 45-5-206, MCA, is amended to read:	13	(4) A person convicted of dome
14	*45-5-206. Domestic abuse. (1) A person commits the	14	or second time shall be required to
15	offense of domestic abuse if he:	15	least 6 months of counseling, totali
16	(a) purposely or knowingly causes bodily injury to a	16	with a person licensed under Title 3
17	family member or household member; or	17	23, OR IN A SPECIALIZED DOMESTI
18	(b) purposely or knowingly causes reasonable	18	PROGRAM. The counseling must be di
19	apprehension of bodily injury in a family member or	19	conduct of the convicted person.
20	household member. The purpose to cause reasonable	20	prohibit the placement of the conv
21	apprehension or the knowledge that reasonable apprehension	21	appropriate treatment if the cour
22	would be caused shall be presumed in any case in which a	22	available treatment program directed
23	person knowingly points a firearm at or in the direction of	23	of the convicted person. Upon
24	a family member or household member, whether or not the	24	counselor, the sentencing judge
25	offender believes the firearm to be loaded.	25	counseling. Willful failure to obta
	A		-2-



Montana Legislative Council

section and 46-6-401, " means a spouse, former od or marriage, or adult ing with the defendant or lant.

stic abuse for the first to exceed \$500 or be ot to exceed 6 months, or conviction for domestic ll be fined not to exceed e prison for a term not estic abuse for the first

D PAY FOR AND complete at ing at least 25 hours, 37, chapter 3, 17, 22, or IC VIOLENCE INTERVENTION irected to the violent This subsection does not victed person in other rt determines there is no d to the violent conduct

the recommendation of the may order additional

ain or pay for counseling

.

HB 593

SECOND READING

1 ordered under this section is a civil contempt of court."

-End-

-3-

,

.

1	HOUSE BILL NO. 593	1	(2) For the purposes of this section and 46-6-401,
2	INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE,	2	"family member or household member" means a spouse, former
3	STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT,	3	spouse, adult person related by blood or marriage, or adult
4	MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE,	4	person of the opposite sex residing with the defendant or
5	CONNELLY, BRADLEY, DAILY, PAVLOVICH,	5	who formerly resided with the defendant.
6	JACOBSON, VINCENT, VAUGHN, YELLOWTAIL	6	(3) A person convicted of domestic abuse for the first
7		7	or second time shall be fined not to exceed \$500 or be
8	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNSELING	8	imprisoned in the county jail not to exceed 6 months, or
9	FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE PIRST OR	9	both. On a third or subsequent conviction for domestic
10	SECOND TIME; AND AMENDING SECTION 45-5-206, MCA."	10	abuse, the person convicted shall be fined not to exceed
11		11	\$50,000 or be imprisoned in the state prison for a term not
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	to exceed 5 years, or both.
13	Section 1. Section 45-5-206, MCA, is amended to read:	13	(4) A person convicted of domestic abuse for the first
14	45-5-206. Domestic abuse. (1) A person commits the	14	or second time shall be required to PAY FOR AND complete at
15	offense of domestic abuse if he:	15	least 6 months of counseling, totaling at least 25 hours,
16	(a) purposely or knowingly causes bodily injury to a	16	with a person licensed under Title 37, chapter 3, 17, 22, or
17	family member or household member; or	17	23, OR IN A SPECIALIZED DOMESTIC VIOLENCE INTERVENTION
18	(b) purposely or knowingly causes reasonable	18	PROGRAM. The counseling must be directed to the violent
19	apprehension of bodily injury in a family member or	19	conduct of the convicted person. This subsection does not
20	household member. The purpose to cause reasonable	20	prohibit the placement of the convicted person in other
21	apprehension or the knowledge that reasonable apprehension	21	appropriate treatment if the court determines there is no
22	would be caused shall be presumed in any case in which a	22	available treatment program directed to the violent conduct
23	person knowingly points a firearm at or in the direction of	23	of the convicted person. Upon-the-recommendation-of-the
24	a family member or household member, whether or not the	24	counselor
25	offender believes the firearm to be loaded.	25	counseling. Willful failure to obtain or pay for counseling

Montana Legislative Council

HB 593 THIRD READING AS AMENDED

-2-

1 ordered under this section is a civil contempt of court."

-End-

-3-

HB 593

SENATE STANDING COMMITTEE REPORT

March 28, 1989

MR. PRESIDENT: We, your committee on Public Health, Welfare, and Safety, having had under consideration HB 593 (third reading copy -- blue), respectfully report that HB 593 be amended and as so amended be concurred in: Sponsor: Russell (Jacobson) 1. Page 2, line 13. Following: "(4)" Insert: "(a)" 2. Page 2, line 15. Following: "hours" Strike: "_" Insert: ": (1) " 3. Page 2, line 17. Following: "23" Strike: " Insert: "; (ii) with a professional person as defined in 53-21-102;" Following: "OR" Insert: "(111)" 4. Page 2, line 18. Following: "PROGRAM." Insert: "(b)" Following: "counseling" Insert: "provided in subsection (4)(a)" 5. Page 2, line 19. Strike: "This subsection" Insert: "Subsection (4)" 6. Page 2, line 25. Following: "<u>+</u>" Insert: "(5)" AND AS AMENDED BE CONCURRED IN

Signed:

Thomas O. Hager Chairman

SENATE HB 593

HB 0593/04

AS AMENDED

1	HOUSE BILL NO. 593	1	(2) For the purposes of this section and 46-6-401,
2	INTRODUCED BY RUSSELL, HANSEN, HARRINGTON, REGAN, BROOKE,	2	"family member or household member" means a spouse, former
3	STICKNEY, KILPATRICK, J. BROWN, SQUIRES, REAM, WYATT,	3	spouse, adult person related by blood or marriage, or adult
4	MCCORMICK, O'CONNELL, SPAETH, BACHINI, O'KEEFE,	4	person of the opposite sex residing with the defendant or
5	CONNELLY, BRADLEY, DAILY, PAVLOVICH,	5	who formerly resided with the defendant.
6	JACOBSON, VINCENT, VAUGHN, YELLOWTAIL	6	(3) A person convicted of domestic abuse for the first
7		7	or second time shall be fined not to exceed \$500 or be
8	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNSELING	8	imprisoned in the county jail not to exceed 6 months, or
9	FOR A PERSON CONVICTED OF DOMESTIC ABUSE FOR THE FIRST OR	9	both. On a third or subsequent conviction for domestic
10	SECOND TIME; AND AMENDING SECTION 45-5-206, MCA."	10	abuse, the person convicted shall be fined not to exceed
11		11	\$50,000 or be imprisoned in the state prison for a term not
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	to exceed 5 years, or both.
13	Section 1. Section 45-5-206, MCA, is amended to read:	13	(4) (A) A person convicted of domestic abuse for the
14	"45-5-206. Domestic abuse. (1) A person commits the	14	first or second time shall be required to PAY FOR AND
15	offense of domestic abuse if he:	15	complete at least 6 months of counseling, totaling at least
16	(a) purposely or knowingly causes bodily injury to a	16	25 hours7:
17	family member or household member; or	17	(I) with a person licensed under Title 37, chapter 3,
18	(b) purposely or knowingly causes reasonable	18	$17, 22, \text{ or } 23_{7};$
19	apprehension of bodily injury in a family member or	19	(II) WITH A PROFESSIONAL PERSON AS DEFINED IN
20	household member. The purpose to cause reasonable	20	<u>53-21-102; OR</u>
21	apprehension or the knowledge that reasonable apprehension	21	(III) IN A SPECIALIZED DOMESTIC VIOLENCE INTERVENTION
22	would be caused shall be presumed in any case in which a	22	PROGRAM,
23	person knowingly points a firearm at or in the direction of	23	(B) The counseling PROVIDED IN SUBSECTION (4)(A) must
24	a family member or household member, whether or not the	24	be directed to the violent conduct of the convicted person.
25	offender believes the firearm to be loaded.	25	This subsection SUBSECTION (4) does not prohibit the
			-2- REFERENCE BILL

L. Montana Legislative Council

- 1 placement of the convicted person in other appropriate
- 2 treatment if the court determines there is no available
- 3 treatment program directed to the violent conduct of the
- 4 convicted person. Upon-the-recommendation-of-the-counselor,
- 5 the-sentencing-judge-may-order-additional-counseling-
- 6 (5) Willful failure to obtain or pay for counseling
- 7 ordered under this section is a civil contempt of court."

-End-

-3-