

HOUSE BILL 653

Introduced by Harper, et al.

2/11	Introduced
2/13	Referred to Human Services & Aging
2/13	Fiscal Note Requested
2/15	Hearing
2/16	Committee Report--Bill Passed
2/18	Fiscal Note Received
2/20	Taken From 2nd Reading
2/20	Fiscal Note Printed
2/20	Rereferred to Appropriations
3/16	Tabled in Committee
3/17	Hearing
	Died in Committee

1 House BILL NO. 653
 2 INTRODUCED BY Ray Steve Jean Hansen
 3 Marko Raney Nuslet Cody Leah Stapp
 4 Bill For an Act ENTITLED: "AN ACT ALLOWING A COURT TO
 5 Deny Whalen Blagden Blagden
 6 FOR SEX OFFENDERS."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. **Section 1. Sex offenses -- treatment as**
 10 **part of sentence.** (1) A judge sentencing a person convicted
 11 under 45-5-502 through 45-5-505, 45-5-507 (unless the act
 12 occurred between two consenting persons 16 years of age or
 13 older), or 45-5-625 who does not sentence the person to the
 14 state prison may sentence the person to up to 2 years of
 15 treatment designed to cure or at least neutralize the
 16 problems and conditions, mental, emotional, and otherwise,
 17 that led to the offense. The judge may not suspend or defer
 18 this part of the sentence.

19 (2) A person sentenced to the state prison shall enroll
 20 in a treatment plan at the prison. The department of
 21 institutions shall ensure that an adequate treatment plan
 22 exists at the prison. If the person is paroled before
 23 receiving treatment for the time required, he may be
 24 supervised by the department, under parole conditions set by
 25 the board of pardons that may include a condition that

1 treatment continue until it is completed, to restrain
 2 further crimes, particularly sex offenses, and parole
 3 violations.

4 (3) A person sentenced to jail may in the discretion of
 5 the sheriff or other person operating the jail be released
 6 to attend treatment sessions. The person may be sentenced to
 7 up to 2 years of treatment, whether or not part of the
 8 treatment occurs while he is in jail. If released from jail
 9 before receiving treatment for the time required, he must be
 10 supervised by the department to ensure that treatment for
 11 the time required is completed and to restrain further
 12 crimes, particularly sex offenses, and probation violations.

13 (4) A person who does not serve any time in jail or
 14 prison because he is not sentenced to serve time or because
 15 a sentence to jail or prison is suspended or deferred may be
 16 sentenced to up to 2 years of treatment under probation
 17 conditions, which the court shall set, that ensure treatment
 18 and restraint from the commission of further crimes,
 19 particularly sex offenses, and probation violations.

20 (5) Treatment under this section may be in a public or
 21 privately operated program.

22 (6) The court may order a jail sentence to be served in
 23 the jail of another county so that the person may take part
 24 in a treatment program available in that county. The court
 25 may also order a person to receive treatment while in a

1 half-way house, prerelease center, or similar establishment
2 in the county in which he is convicted or in any other
3 county, whether or not the person serves time in the state
4 prison or jail.

5 (7) The person must be sentenced to pay treatment costs
6 he is, or in the future may be, reasonably able to pay,
7 whether or not he serves time in jail or the state prison.

8 (8) The department shall ensure that adequate treatment
9 programs are available to serve persons sentenced under this
10 section who do not receive all or any part of their
11 treatment in the state prison.

12 (9) This section does not prevent the extension of
13 parole or probation beyond the treatment period ordered
14 under this section.

15 NEW SECTION. **Section 2.** Codification instruction.
16 [Section 1] is intended to be codified as an integral part
17 of Title 46, chapter 18, and the provisions of Title 46,
18 chapter 18, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB653, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an Act entitled: "An Act allowing a court to sentence a person to up to 2 years of supervised treatment for sex offenders"

ASSUMPTIONS:

1. This bill requires treatment, either in the prison or in the community, for anyone convicted of a felony sexual offense.
2. Community-based treatment may be for a period of up to two years.
3. Persons paroled before treatment may be supervised by the Department under conditions requiring that "treatment continue until it is completed."
4. The Department of Institutions is made responsible for providing "adequate treatment programs" where they do not exist.

FISCAL IMPACT:Expenditures:

	Proposed Law FY90	Proposed Law FY91
Personal Services	\$ 174,499	\$ 174,499
Operating Expenses	999,200	114,200
Capital Outlay	22,665	-0-
Total	\$1,196,364	\$ 288,699

Funding:

General Fund	\$1,196,364	\$ 288,699
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LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

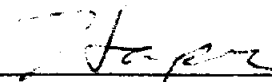
If the intent of this bill is for sex offenders to receive all three phases of treatment at the prison, four more intensive treatment units will need to be built. 48 beds/12 beds per unit @ \$50,000/bed=\$2,400,000.



DATE

2/17/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING



DATE

2/18/89

HAL HARPER, PRIMARY SPONSOR

Fiscal Note for HB653, as introduced

HB 653

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

1 House BILL NO. 653
2 INTRODUCED BY Harvey M. Hansen
3 Marko Raney Nishet Cody Lehy Stephens
4 BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COURT TO
5 SENTENCE A PERSON TO UP TO 2 YEARS OF SUPERVISED TREATMENT
6 FOR SEX OFFENDERS."
7 Blaylock

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