

HOUSE BILL 81

Introduced by Bachini

12/29	Introduced
12/30	Referred to Judiciary
1/04	First Reading
1/04	Fiscal Note Requested
1/12	Hearing
1/14	Fiscal Note Received
1/14	Fiscal Note Printed
2/02	Tabled in Committee

HOUSE BILL NO. 81  
INTRODUCED BY BACHINI

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SENTENCE FOR A CONVICTION OF DELIBERATE HOMICIDE TO INCLUDE A PROVISION THAT THE OFFENDER IS NOT ELIGIBLE FOR PAROLE OR PARTICIPATION IN A SUPERVISED RELEASE PROGRAM; AMENDING SECTION 46-18-202, MCA; AND PROVIDING AN APPLICABILITY DATE."

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 that 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 the defendant's owning or carrying a dangerous weapon;

(c) restrictions on his the defendant's freedom of association;

(d) restrictions on his the defendant's freedom of movement;

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

(2) (a) Whenever Subject to subsection (2)(b), if 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 is ineligible for parole and participation in the supervised release program while serving his the 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 must contain a statement of the reasons for the restriction.

(b) If the district court imposes a sentence of imprisonment in the state prison for deliberate homicide, the court shall also impose the restriction that the defendant is ineligible for parole and participation in the supervised release program while serving the sentence.

(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) and (2).

(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."

HB 0081/01

1        NEW SECTION.   **Section 2.**   **Applicability.**   [This   act]  
2   applies to sentences imposed for crimes committed on or  
3   after October 1, 1993.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0081, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring a sentence for a conviction of deliberate homicide to include a provision that the offender is not eligible for parole or participation in a supervised release program.

ASSUMPTIONS:

1. An average of 4 offenders convicted of deliberate homicide are admitted to parole each year.
2. Four (4) additional offenders in FY94 and 8 additional offenders will remain in the prison.
3. Annual cost for a Montana State Prison inmate was \$15,400 in FY92 and is estimated to be approximately \$16,300 in FY94 and \$16,800 in FY95.

FISCAL IMPACT:Expenditures:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Operating Costs	0	65,200	65,200	0	134,400	134,400
General Fund	0	65,200	65,200	0	134,400	134,400

*David Lewis* 1.13.93

DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

BOB BACHINI, PRIMARY SPONSOR      DATE

Fiscal Note for HB0081, as introduced

HB 81