

SENATE BILL NO. 264

INTRODUCED BY VAN VALKENBURG, J. RICE

IN THE SENATE

JANUARY 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 10, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 11, 1993	PRINTING REPORT.
FEBRUARY 12, 1993	ON MOTION, CONSIDERATION PASSED UNTIL THE 38TH LEGISLATIVE DAY.
FEBRUARY 17, 1993	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 18, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 47; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 30, 1993	THIRD READING, CONCURRED IN. AYES, 84; NOES, 14.
MARCH 31, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
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APRIL 3, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 264
 2 INTRODUCED BY Va-Valkenburg
 3 Rice
 4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING TO ESCAPES
 5 FROM STATE INSTITUTIONS THE NOTIFICATION THAT MUST BE GIVEN
 6 CERTAIN PERSONS; ABOLISHING THE REQUIREMENT THAT NOTICE BE
 7 GIVEN OF RELEASES; ABOLISHING THE REQUIREMENT THAT NOTICE BE
 8 GIVEN OF ESCAPES FROM JAILS; AND AMENDING SECTION 44-2-601,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 44-2-601, MCA, is amended to read:

13 "44-2-601. Notification of escape or--release from
 14 confinement. (1) The notice required by subsection (2) must
 15 be given if any of the following persons escapes or--is
 16 released from confinement:

17 (a) a person committed to a hospital or mental health
 18 facility under Title 46, chapter 14; or

19 (b) a person confined in a jail--or--other state
 20 institution pending or during trial for a criminal offense
 21 involving the use or threat of physical force or violence or
 22 confined in a jail, prison, or other state institution after
 23 conviction of a criminal offense involving the use or threat
 24 of physical force or violence or after being designated as a
 25 dangerous offender under 46-18-404.

1 (2) If a person referred to in subsection (1) escapes
 2 or-is-released from confinement, the institution in which he
 3 the person was confined shall notify:

4 (a) the sheriff or other law enforcement officials in
 5 the county in which the offense occurred;

6 (b) the sheriff or other law enforcement officials in
 7 the county or counties, if known, in which a victim or the
 8 victims of the offense reside at the time of the escape or
 9 release;

10 ~~(c) the sheriff or other law enforcement officials in~~
 11 ~~the county, if known, in which the person intends to reside~~
 12 ~~upon leaving confinement;~~

13 ~~(d)~~ (c) the sheriff or other law enforcement officials
 14 in the county in which the jail, state prison, hospital,
 15 mental health facility, or other institution from which the
 16 person escaped or-was-released is located; and

17 ~~(e)~~ (d) a court that has requested that it be notified
 18 in the event of a-release-or an escape of the person."

-End-

SB 264
 -2- INTRODUCED BILL

STATE OF MONTANA - FISCAL NOTE

Form BD-15

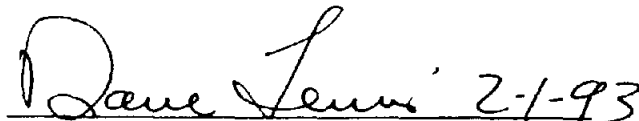
In compliance with a written request, there is hereby submitted a Fiscal Note for SB0264, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act limiting to escapes from state institutions the notification that must be given certain persons; abolishing the requirement that notice be given of releases; abolishing the requirement that notice be given of escapes from jails; and amending section 44-2-601, MCA.

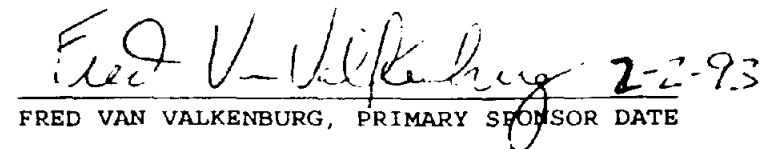
ASSUMPTIONS:

1. There is a minimal cost to the process of notification of law enforcement when a patient or inmate is released from an institution.
2. It is assumed that notification of escapes will be accomplished through the statewide Criminal Justice Information Network (CJIN) and that notification of escapes will routinely be sent to all law enforcement agencies on the network. Therefore, there would be no fiscal impact by reducing the number of local law enforcement agencies required to be notified.

FISCAL IMPACT: No Fiscal Impact.

 2-1-93

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

 2-2-93

FRED VAN VALKENBURG, PRIMARY SPONSOR DATE

Fiscal Note for SB0264, as introduced

SB 264

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 264

INTRODUCED BY VAN VALKENBURG, J. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~LIMITING--TO--ESCAPES~~
~~FROM--STATE-INSTITUTIONS--THE--NOTIFICATION--THAT--MUST--BE--GIVEN~~
~~CERTAIN-PERSONS;~~ ABOLISHING THE REQUIREMENT THAT NOTICE BE
GIVEN OF RELEASES FROM IMPRISONMENT; ~~ABOLISHING--THE~~
~~REQUIREMENT--THAT--NOTICE--BE--GIVEN--OF--ESCAPES--FROM--JAILS;~~ AND
AMENDING SECTION 44-2-601, MCA."

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

Section 1. Section 44-2-601, MCA, is amended to read:

"44-2-601. Notification of escape or--release from
confinement. (1) The notice required by subsection (2) must
be given if ~~any--of--the--following--persons--escapes~~ or ~~is~~
~~released from confinement~~:

(a) a person committed to a hospital or mental health
facility under Title 46, chapter 14, ESCAPES OR IS RELEASED
FROM CONFINEMENT; or

(b) a person confined in a ~~jail--or--other~~ state JAIL OR
OTHER institution pending or during trial for a criminal
offense involving the use or threat of physical force or
violence or confined in a ~~jail;~~ JAIL, prison, or other
state institution after conviction of a criminal offense
involving the use or threat of physical force or violence or

after being designated as a dangerous offender under
46-18-404 ESCAPES FROM CONFINEMENT.

(2) If a person referred to in subsection (1) escapes
or--is--released OR IS RELEASED from confinement, the
institution in which he the person was confined shall
notify:

(a) the sheriff or other law enforcement officials in
the county in which the offense occurred;

(b) the sheriff or other law enforcement officials in
the county or counties, if known, in which a victim or the
victims of the offense reside at the time of the escape or
release OR RELEASE;

~~(c)--the--sheriff--or--other--law--enforcement--officials--in~~
~~the--county,--if--known,--in--which--the--person--intends--to--reside~~
~~upon--leaving--confinement;~~

~~(d)~~(c) the sheriff or other law enforcement officials
in the county in which the ~~jail;~~ state JAIL, prison,
hospital, mental health facility, or other institution from
which the person escaped ~~or--was--released~~ OR WAS RELEASED is
located; and

~~(e)~~(d) a court that has requested that it be notified
in the event of ~~a--release--or~~ A RELEASE OR an escape of the
person."

-End-

SENATE BILL NO. 264
INTRODUCED BY VAN VALKENBURG, J. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING--TO--ESCAPES FROM--STATE-INSTITUTIONS--THE-NOTIFICATION--THAT--MUST--BE--GIVEN CERTAIN PERSONS; ABOLISHING THE REQUIREMENT THAT NOTICE BE GIVEN OF RELEASES FROM IMPRISONMENT JAIL; ABOLISHING--THE REQUIREMENT--THAT--NOTICE--BE--GIVEN--OF--ESCAPES--FROM--JAILS; AND AMENDING SECTION 44-2-601, MCA."

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

Section 1. Section 44-2-601, MCA, is amended to read:

"44-2-601. Notification of escape or-release OR RELEASE from confinement. (1) The notice required by subsection (2) must be given if any-of-the-following-persons-escapes or--is released from-confinement:

(a) a person committed to a hospital or mental health facility under Title 46, chapter 14, ESCAPES OR IS RELEASED FROM CONFINEMENT; or

(b) a person confined in a jail-or-other state JAIL-OR OTHER AN institution OTHER THAN A JAIL pending or during trial for a criminal offense involving the use or threat of physical force or violence or confined in a jail; JAIL; prison; or other state STATE institution after conviction of a criminal offense involving the use or threat of

physical force or violence or after being designated as a dangerous offender under 46-18-404 ESCAPES OR IS RELEASED FROM CONFINEMENT; OR

(C) A PERSON CONFINED IN A JAIL PENDING OR DURING TRIAL FOR A CRIMINAL OFFENSE INVOLVING THE USE OR THREAT OF PHYSICAL FORCE OR VIOLENCE OR CONFINED IN A JAIL AFTER CONVICTION OF A CRIMINAL OFFENSE INVOLVING THE USE OR THREAT OF PHYSICAL FORCE OR VIOLENCE OR AFTER BEING DESIGNATED AS A DANGEROUS OFFENDER UNDER 46-18-404 ESCAPES FROM CONFINEMENT.

(2) If a person referred to in subsection (1) escapes or--is--released OR IS RELEASED from confinement, the institution in which he the person was confined shall notify:

(a) the sheriff or other law enforcement officials in the county in which the offense occurred;

(b) the sheriff or other law enforcement officials in the county or counties, if known, in which a victim or the victims of the offense reside at the time of the escape or release OR RELEASE;

(c)--the-sheriff-or-other-law-enforcement--officials--in the--county--if-known--in-which-the-person-intends-to-reside upon-leaving-confinement;

(d)(C) the sheriff or other law enforcement officials in the county in which the jail; state JAIL, prison, hospital, mental health facility, or other institution from

SB 0264/03

1 which the person escaped or-was-released OR WAS RELEASED is
2 located; and
3 (e)(d) a court that has requested that it be notified
4 in the event of a-release-or A RELEASE OR an escape of the
5 person."

-End-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 264 (third reading copy -- blue) be concurred in as amended.

Signed: Russell C. Fagg
Russ Fagg, ~~Chair~~

And, that such amendments read:

Carried by: Rep. Brown

1. Page 2, line 23.

Following: line 22

Insert: "(c) the sheriff or other law enforcement officials in the county, if known, in which the person intends to reside upon leaving confinement;"

Renumber: subsequent subsections

-END-

SB 264

Committee Vote:
Yes 18, No 0.

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~~FROM--STATE-INSTITUTIONS--THE-NOTIFICATION--THAT--MUST--BE--GIVEN~~
~~CERTAIN-PERSONS~~; ABOLISHING THE REQUIREMENT THAT NOTICE BE
GIVEN OF RELEASES FROM IMPRISONMENT JAIL; ~~ABOLISHING--THE~~
~~REQUIREMENT--THAT--NOTICE--BE--GIVEN--OF--ESCAPES--FROM--JAILS~~; AND
AMENDING SECTION 44-2-601, MCA."

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from confinement. (1) The notice required by subsection (2)
must be given if ~~any-of-the-following-persons-escapes or--is~~
~~released from-confinement~~:

(a) a person committed to a hospital or mental health
facility under Title 46, chapter 14, ESCAPES OR IS RELEASED
FROM CONFINEMENT; or

(b) a person confined in a jail-or-other state JAIL-OR
OTHER AN institution OTHER THAN A JAIL pending or during
trial for a criminal offense involving the use or threat of
physical force or violence or confined in a jail; JAIL;
prison~~77~~ or other state STATE institution after conviction
of a criminal offense involving the use or threat of

physical force or violence or after being designated as a
dangerous offender under 46-18-404 ESCAPES OR IS RELEASED
FROM CONFINEMENT; OR

(C) A PERSON CONFINED IN A JAIL PENDING OR DURING TRIAL
FOR A CRIMINAL OFFENSE INVOLVING THE USE OR THREAT OF
PHYSICAL FORCE OR VIOLENCE OR CONFINED IN A JAIL AFTER
CONVICTION OF A CRIMINAL OFFENSE INVOLVING THE USE OR THREAT
OF PHYSICAL FORCE OR VIOLENCE OR AFTER BEING DESIGNATED AS A
DANGEROUS OFFENDER UNDER 46-18-404 ESCAPES FROM CONFINEMENT.

(2) If a person referred to in subsection (1) escapes
~~or--is--released~~ OR IS RELEASED from confinement, the
institution in which he the person was confined shall
notify:

(a) the sheriff or other law enforcement officials in
the county in which the offense occurred;

(b) the sheriff or other law enforcement officials in
the county or counties, if known, in which a victim or the
victims of the offense reside at the time of the escape or
release OR RELEASE;

~~(c)--the-sheriff-or-other-law-enforcement--officials--in~~
~~the--county--if-known--in-which-the-person-intends-to-reside~~
~~upon-leaving-confinement~~;

(C) THE SHERIFF OR OTHER LAW ENFORCEMENT OFFICIALS IN
THE COUNTY, IF KNOWN, IN WHICH THE PERSON INTENDS TO RESIDE
UPON LEAVING CONFINEMENT;

1 ~~(d)~~(c)(D) the sheriff or other law enforcement
2 officials in the county in which the ~~jail~~, state JAIL,
3 prison, hospital, mental health facility, or other
4 institution from which the person escaped ~~or-was-released~~ OR
5 WAS RELEASED is located; and
6 ~~(e)~~(d)(E) a court that has requested that it be
7 notified in the event of ~~a-release-or~~ A RELEASE OR an escape
8 of the person."

-End-