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INTRODUCED BY

House BILL NO. 179

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CHARGE FOR VIOLATION OF SECTION 45-7-306, MCA, AFTER COMMITMENT TO A STATE PRISON OR TO THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES MAY, WITHOUT OBJECTION FROM THE CHARGED PERSON, BE FILED IN ANY COUNTY IN THE STATE; AND AMENDING SECTIONS 46-3-110, 46-3-112, 46-3-113, 46-3-114, AND 46-3-115, MCA."

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

Section 1. Section 46-3-110, MCA, is amended to read:

"**46-3-110. Filing the charge.** (1) In all criminal prosecutions, the charge must be filed in the county where the offense was committed unless otherwise provided by law.

(2) A charge for violation of 45-7-306 after imposition of a state prison sentence or after commitment to the department of corrections and human services may, without objection from the person charged, be filed in any county in the state."

Section 2. Section 46-3-112, MCA, is amended to read:

"**46-3-112. Requisite act in multiple counties.** (1) ~~When~~ Except as provided in 46-3-110(2), if two or more acts are requisite to the commission of an offense or ~~when~~ if two or more acts are committed in furtherance of a common scheme, the charge may be filed in any county in which any of the acts or offenses occurred.

(2) ~~When~~ Except as provided in 46-3-110(2), if an act requisite to the commission of an offense occurs or continues in more than one county, the charge may be filed in any county in which the act occurred or continued."

Section 3. Section 46-3-113, MCA, is amended to read:

"**46-3-113. Assisting in commission of or committing an offense.** ~~When~~ Except as provided in 46-3-110(2), if a person in one county commits an offense or aids, abets, or procures the commission of

1 an offense in another county, the charge may be filed in either county."

2

3 **Section 4.** Section 46-3-114, MCA, is amended to read:

4 "46-3-114. **County of offense unknown.** (1) ~~Except as provided in 46-3-110(2),~~ if the county
5 in which the offense was committed cannot be readily determined, the offender may be charged in any
6 county in which it appears that an element of the offense occurred.

7 (2) ~~When~~ Except as provided in 46-3-110(2), if an offense is committed in or against a public or
8 private conveyance and it is doubtful in which county the offense occurred, the charge may be filed in any
9 county in or through which the conveyance has traveled."

10

11 **Section 5.** Section 46-3-115, MCA, is amended to read:

12 "46-3-115. **Offense consummated within the state.** ~~Except as provided in 46-3-110(2),~~ if an
13 offense is committed partly within this state, the offense may be charged in any county where an act
14 requisite to the commission of the offense is committed or continued."

15

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0179, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

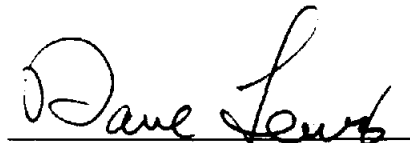
A bill providing that a charge for violation of section 45-7-306, MCA, after commitment to a state prison or the Department of Corrections and Human Services may, without objection from the charged person, be filed in any county in the state.

ASSUMPTIONS:

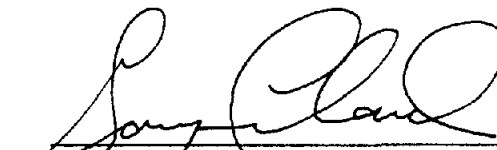
1. This bill will permit a charge of escape to be filed in any county in the state of Montana. Currently, an escape charge must be filed in the county where the escape occurs.
2. For FY90-FY94, an average of about 37 inmates per year were convicted of violations defined in this bill.
3. The Department of Corrections and Human Services (DCHS) is responsible for the costs of prosecuting escape charges, including transportation to and incarceration costs in the county where the offense occurs. This bill would reduce these costs if Powell County agreed to file and prosecute escape charges from other counties.
4. This bill may possibly reduce costs to DCHS, but it is impossible to determine the possible savings. Savings would depend upon the location of arrest.

FISCAL IMPACT:

Some slight general fund savings are expected.

 1-18-95

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



GARY FELAND, PRIMARY SPONSOR DATE
Fiscal Note for HB0179, as introduced

HB 179

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2 INTRODUCED BY FELAND

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15 (2) A charge for violation of 45-7-306 after imposition of a state prison sentence or after
16 commitment to the department of corrections and human services may, AT THE DISCRETION OF THE
17 COUNTY ATTORNEY FOR THE COUNTY IN WHICH THE PERSON WAS ARRESTED AND without objection
18 from the person charged, be filed in any county in the state."

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20 **Section 2.** Section 46-3-112, MCA, is amended to read:

21 **"46-3-112. Requisite act in multiple counties.** (1) ~~When~~ Except as provided in 46-3-110(2), if two
22 or more acts are requisite to the commission of an offense or ~~when~~ if two or more acts are committed in
23 furtherance of a common scheme, the charge may be filed in any county in which any of the acts or
24 offenses occurred.

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