

1 HOUSE BILL NO. 65

2 INTRODUCED BY MENAHAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR NEGLIGENT VEHICULAR
5 ASSAULT THAT RESULTS IN SERIOUS BODILY INJURY TO ANOTHER; AND AMENDING SECTION
6 45-5-205, MCA."

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

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10 **Section 1.** Section 45-5-205, MCA, is amended to read:

11 **"45-5-205. Negligent vehicular assault -- penalty.** (1) ~~if a~~ A person who negligently operates a
12 motor vehicle ~~in a negligent manner and he is driving~~ while under the influence of alcohol, a dangerous
13 drug, any other drug, or any combination of the three, as provided for in 61-8-401(1), and ~~his conduct is~~
14 ~~the cause of~~ who causes bodily injury to another, ~~he~~ commits the offense of negligent vehicular assault.

15 (2) ~~A~~ Subject to subsection (3), a person convicted of the offense of negligent vehicular assault
16 shall be fined an amount not to exceed \$1,000 or shall be imprisoned in the county jail for a term not to
17 exceed 1 year, or both.

18 (3) A person convicted of the offense of negligent vehicular assault who caused serious bodily
19 injury to another shall be fined an amount not to exceed \$10,000 or shall be imprisoned in the state prison
20 for a term not to exceed 5 years, or both."

21 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0065, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act increasing the penalty for negligent vehicular assault that results in serious bodily injury to another.

ASSUMPTIONS:

1. Serious bodily injury is defined in statute 45-2-101.59, MCA, to include risk of death; therefore, all cases of negligent vehicular assault are assumed to be serious.
2. The number of cases per year was derived using the average number of offenses to date committed under 45-5-205, MCA, as reported by the Motor Vehicle Division of the Department of Justice over a two-year period (1995-1996). This average is 7 cases per year.
3. The Department of Corrections (DOC) assumes that the offenders sentenced for negligent vehicular assault would be sentenced for the maximum term of five years but would serve two years in prison.
4. This bill could result in more appeals to the state funded Judiciary; however, the anticipated increase in expenditures is not significant. This bill will impact expenditures of DOC.
5. The DOC would incur the cost of imprisonment for 7 additional offenders each year (using fiscal year 1996 costs, including outside medical costs). Fiscal year 1998 expenditures would be for 7 inmates at a daily cost of \$44.47 per day. Fiscal year 1999 cost would be for 14 inmates at a daily cost of \$44.47 per day.

FISCAL IMPACT:

Expenditures:

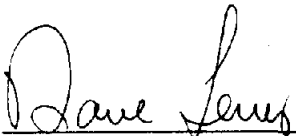
	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Inmate care & custody	113,621	227,242

Funding:

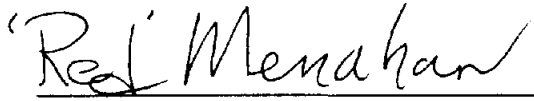
General Fund (01)	113,621	227,242
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LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

As a result of this bill the prison population would increase by about 14 inmates. As these inmates complete their prison term, there would also be increased costs for pre-release and parole services.

 1-7-97

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



RED MENAHAN, PRIMARY SPONSOR DATE

Fiscal Note for HB0065, as introduced

HB 65

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(2) ~~A~~ Subject to subsection (3), a person convicted of the offense of negligent vehicular assault shall be fined an amount not to exceed \$1,000 or shall be imprisoned in the county jail for a term not to exceed 1 year, or both.

(3) A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall be fined an amount not to exceed \$10,000 or shall be imprisoned in the state prison INCARCERATED for a term not to exceed 5 years, or both."

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16 shall be fined an amount not to exceed \$1,000 or shall be imprisoned in the county jail for a term not to
17 exceed 1 year, or both, AND SHALL BE ORDERED TO PAY RESTITUTION AS PROVIDED IN 46-18-241.

18 (3) (A) A person convicted of the offense of negligent vehicular assault who caused serious bodily
19 injury to another shall be fined an amount not to exceed \$10,000 or shall be imprisoned in the state prison
20 INCARCERATED for a term not to exceed 5 years, or both, AND SHALL BE ORDERED TO PAY
21 RESTITUTION AS PROVIDED IN 46-18-241.

22 (B) IF A TERM OF INCARCERATION IS IMPOSED, THE JUDGE SHALL SUSPEND THE TERM OF
23 INCARCERATION UPON THE CONDITION OF PAYMENT OF ANY FINE IMPOSED AND OF RESTITUTION.
24 IF THE PERSON DOES NOT PAY THE FINE OR RESTITUTION, THE TERM OF INCARCERATION MAY BE
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