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SB BILL NO. 168

INTRODUCED BY

Doherty

Menahan

[Signature]

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN OFFENSE OF DOMESTIC TERRORISM;
PROVIDING A PENALTY FOR DOMESTIC TERRORISM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Domestic terrorism.** (1) A person commits the offense of domestic terrorism if the person purposely or knowingly commits an unlawful, violent act or unlawful damage to property for the purpose of influencing the policy or conduct of the state or any political subdivision of the state.

(2) A person convicted of the offense of domestic terrorism shall be imprisoned in the state prison for a term not to exceed 10 years or fined an amount not to exceed \$50,000, or both.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 1, and the provisions of Title 45, chapter 8, part 1, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Applicability.** [This act] applies to all acts committed on or after [the effective date of this act].

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0168, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act creating an offense of domestic terrorism; providing a penalty for domestic terrorism; and providing an immediate effective date and an applicability date.

ASSUMPTIONS:

1. Current law allows felony prosecution of offenders who cause damage to property in excess of \$500.
2. This bill creates a felony offense for property damage under \$500 if the person purposely or knowingly committed the act for the purpose of influencing the policy or conduct of the state or any political subdivision of the state.
3. The Department of Corrections (DOC) assumes that there will be two offenders per year sentenced under this penalty.
4. The DOC assumes that these offenders will be sentenced to 10 years of imprisonment but will serve 34% (3.4 years) of this sentence.
5. Average cost per day at Montana State Prison including outside medical costs is \$44.47.


FISCAL IMPACT:

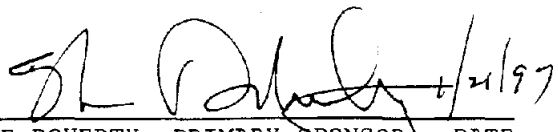
Department of Corrections:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Additional custody costs	32,463	64,926
<u>Funding:</u>		
General Fund (01)	32,463	64,926

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This bill will have an impact on supervision costs of these offenders once they leave incarceration; however, these costs will not be incurred until future biennia.


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


 STEVE DOHERTY, PRIMARY SPONSOR DATE

Fiscal Note for SB0168, as introduced

SB168

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SENATE BILL NO. 168

INTRODUCED BY DOHERTY, MENAHAN, HALLIGAN, CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN OFFENSE OF DOMESTIC TERRORISM;
PROVIDING A PENALTY FOR DOMESTIC TERRORISM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Domestic terrorism.** (1) A person commits the offense of domestic terrorism if the person purposely or knowingly commits an unlawful, AND violent act AGAINST A PERSON or unlawful AND VIOLENT damage to property for the purpose of influencing the policy or conduct of the state or any political subdivision of the state.

(2) A person convicted of the offense of domestic terrorism shall be imprisoned in the state prison for a term not to exceed 10 years or fined an amount not to exceed \$50,000, or both.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 1, and the provisions of Title 45, chapter 8, part 1, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Applicability.** [This act] applies to all acts committed on or after [the effective date of this act].

-END-

1 SENATE BILL NO. 168

2 INTRODUCED BY DOHERTY, MENAHAN, HALLIGAN, CRIPPEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN OFFENSE OF DOMESTIC TERRORISM;
5 PROVIDING A PENALTY FOR DOMESTIC TERRORISM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
6 AND AN APPLICABILITY DATE."7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9
10 NEW SECTION. **Section 1. Domestic terrorism.** (1) A person commits the offense of domestic
11 terrorism if the person purposely or knowingly commits an unlawful, AND violent act AGAINST A PERSON
12 or unlawful AND VIOLENT damage to property for the purpose of influencing the policy or conduct of the
13 state or any political subdivision of the state.14 (2) A person convicted of the offense of domestic terrorism shall be imprisoned in the state prison
15 for a term not to exceed 10 years or fined an amount not to exceed \$50,000, or both.16
17 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 45, chapter 8, part 1, and the provisions of Title 45, chapter 8, part 1, apply to
19 [section 1].20
21 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.22
23 NEW SECTION. **Section 4. Applicability.** [This act] applies to all acts committed on or after [the
24 effective date of this act].

25 -END-