

HOUSE BILL NO. 76

INTRODUCED BY J. MANGAN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ENHANCED TERM OF INCARCERATION FOR A CRIMINAL STREET GANG-RELATED FELONY COMMITTED ON, OR WITHIN 1,000 FEET OF, THE PREMISES OF A MUNICIPAL HOUSING AUTHORITY PROJECT; AND AMENDING SECTION 45-8-404, MCA."

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

**Section 1.** Section 45-8-404, MCA, is amended to read:

**"45-8-404. Additional sentence for criminal street gang-related felony.** (1) (a) A person who is convicted of a felony that the person committed for the benefit of, at the direction of, or in association with any criminal street gang for the purpose of promoting, furthering, or assisting any criminal conduct by criminal street gang members shall, in addition to the punishment provided for the commission of the underlying offense, be sentenced to a term of imprisonment in a state prison of not less than 1 year or more than 3 years, except as provided in 46-18-222.

(b) If the underlying felony described in subsection (1)(a) is committed on the grounds of, or within 1,000 feet of, a public school, as defined in 20-6-501, during hours when the facility is open for classes or school-related programs or when minors are using the facility, the additional term of imprisonment provided for in subsection (1)(a) is 2 to 4 years.

(c) If the underlying felony described in subsection (1)(a) is committed on, or within 1,000 feet of, the premises of a housing project owned or operated by a municipal housing authority under 7-15-4454, the additional term of imprisonment provided for in subsection (1)(a) is 2 to 4 years.

(2) The imposition or execution of the minimum sentences prescribed by this section may not be deferred or suspended, except as provided in 46-18-222.

(3) An additional sentence prescribed by this section ~~shall~~ must run consecutively to the sentence provided for the underlying offense."

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