

HOUSE BILL NO. 117

INTRODUCED BY J. ANDERSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM 5 TO 10 YEARS THE MAXIMUM INCARCERATION TERM THAT MAY BE IMPOSED FOR NEGLIGENT VEHICULAR ASSAULT CAUSING SERIOUS BODILY INJURY; CLARIFYING THAT THE JUDGE MAY SUSPEND THE TERM OF INCARCERATION UPON THE CONDITION OF PAYMENT OF A FINE IMPOSED AND PAYMENT OF RESTITUTION FOR ALL CONVICTIONS OF NEGLIGENT VEHICULAR ASSAULT; AND AMENDING SECTION 45-5-205, MCA."

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

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

"45-5-205. Negligent vehicular assault -- penalty. (1) A person who negligently operates a motor vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided for in 61-8-401(1), and who causes bodily injury to another commits the offense of negligent vehicular assault.

(2) 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~~ incarcerated in the A county jail for a term not to exceed 1 year, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(3) ~~(a)~~ 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~~ incarcerated for a term not to exceed ~~5~~ 10 years, or both, and shall be ordered to pay restitution as provided in 46-18-241.

~~(b)~~(4) If a term of incarceration is imposed under subsection (2) or (3), the judge may suspend the term of incarceration upon the condition of payment of any fine imposed and of restitution. If the person does not pay the fine or restitution, the term of incarceration may be imposed."

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