

Amendments to Senate Bill No. 283
1st Reading Copy

8
Date 2-9-05
No SB 283

Requested by Senator Mike Wheat

For the Senate Judiciary Committee

Prepared by Valencia Lane
January 31, 2005 (2:22pm)

1. Page 2, line 11.

Following: "years."

Insert: "For purposes of this subsection (3)(b), "strangling" means to impede the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person."

- END -

LAW OFFICES

**Keller, Reynolds, Drake,
Johnson and Gillespie, P.C.**

THOMAS Q. JOHNSON
RICHARD E. GILLESPIE
JACQUELINE T. LENMARK
JOE SEIFERT
GREGORY A. VAN HORSSSEN
CHARLES G. ADAMS
DANIEL J. WHYTE*
PETER FUNK

*ALSO LICENSED IN IDAHO

GUARDIAN BUILDING - 3RD FLOOR
50 SOUTH LAST CHANCE GULCH
HELENA, MONTANA 59601

MAILING ADDRESS

P. O. BOX 598
HELENA, MONTANA 59624

OF COUNSEL
P. KEITH KELLER

PAUL T. KELLER (1907-2003)
GLEN L. DRAKE (1927-2001)

TELEPHONE (406) 442-0230

FAX (406) 449-2256

E-MAIL: firm@kellerlawmt.com

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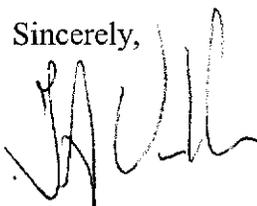
Chairman Senator Mike Wheat
Members of the Senate Judiciary Committee
SENATE JUDICIARY COMMITTEE
Montana State Capitol
Helena, Montana 59620

Re: Senate Bill 344
State Farm Insurance Companies—Opposition

Dear Senator Wheat and Members of the Committee:

This morning, February 8, 2005, a miscommunication occurred which resulted in Ms. Jacqueline Lenmark testifying before the Committee that State Farm Insurance Companies supported Senate Bill 344. As Chairman Wheat knows, I advised him prior to the hearing that State Farm would oppose the Bill on philosophical terms. While State Farm supports any legislation that has the effect of getting tougher on driving under the influence (Senate Bill 344, page 1, lines 26 and 27), State Farm opposes the earmarking of punitive damages to fund particular state programs. State Farm's opposition to using punitive damages to fund specific programs has remained consistent over the years irrespective of the worthiness of the recipient. State Farm's opposition is based upon the philosophy that using punitive damages to fund particular laudable programs has the potential of creating an incentive for a jury to award inflated punitive damages. As an aside, State Farm also questions how the taxation of the punitive damage award would be structured.

State Farm would like to thank Senator Wheat for this opportunity to provide written testimony to correct this morning's misunderstanding. Should you have any questions or concerns, I am available regularly at the Capitol or on my cell phone at 439-0495.

Sincerely,


Gregory A. Van Horssen

GVH/jlp

cc: Mr. Spook Stang, Montana Truckers Association
Mr. Ken Crippen, Watkins-Shepard Trucking