

Amendments to Senate Bill No. 207
1st Reading Copy

Requested by Senator Gary Perry

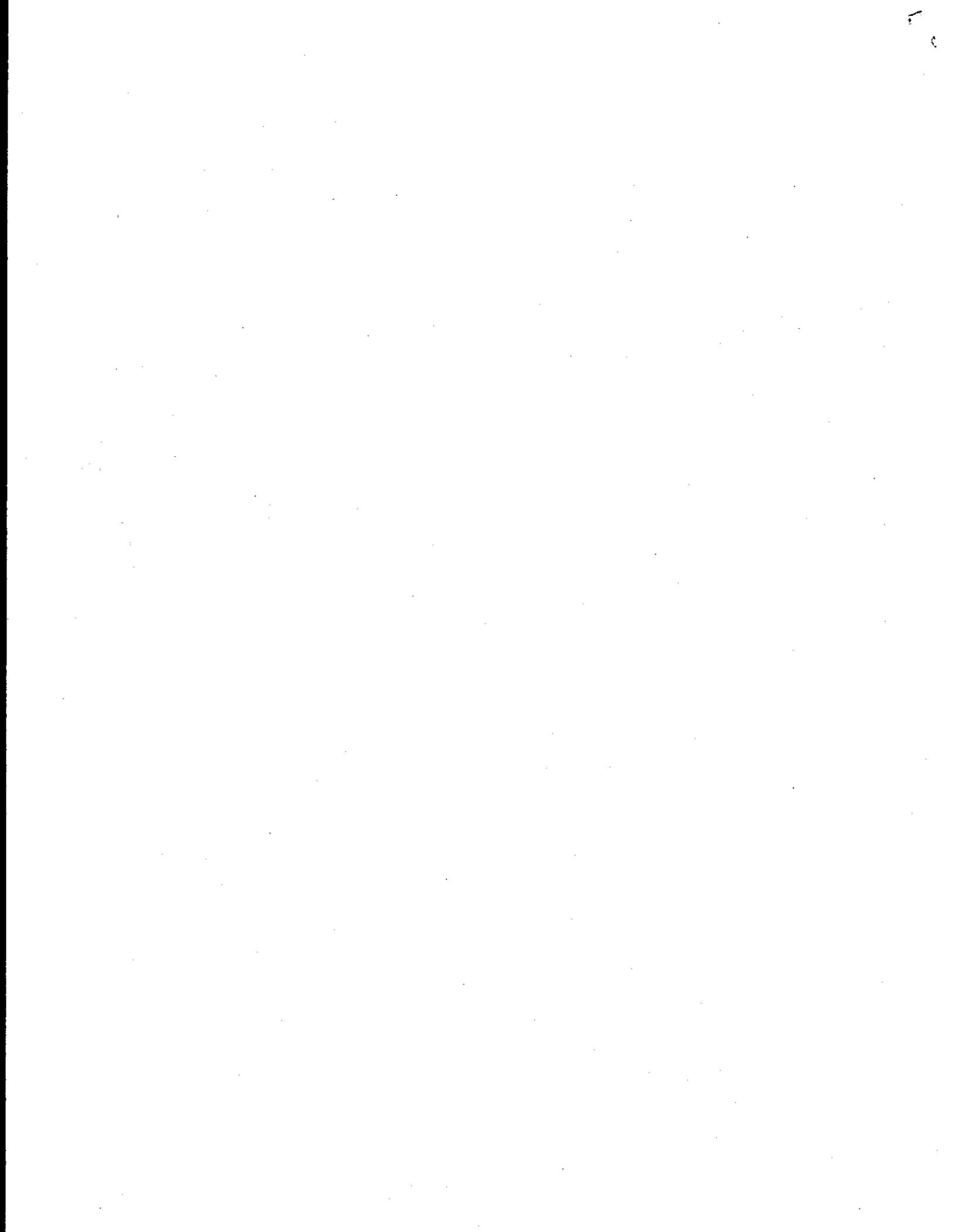
For the Senate Judiciary Committee

Prepared by Valencia Lane
February 11, 2005 (7:32am)

Please Note:
SB020701.avl
has already been
adopted by the
committee
coordination
instruction
to ~~Sen. Perry's~~
HB 288

- 1. Title, line 5.
Following: "OFFENDERS"
Insert: "DESIGNATED AS LEVEL 3 OFFENDERS"
- 2. Title, line 7.
Following: "OF"
Insert: "LEVEL 3"
- 3. Page 2, line 3.
Strike: "(1)"
Following: "part 5,"
Insert: "who is designated as a level 3 offender under 46-23-509,"
- 4. Page 2, line 4.
Following: "condition of"
Strike: "sentence, including"
Following: "parole,"
Insert: "conditional release,"
- 5. Page 2, line 7 through line 11.
Strike: subsection (2) in its entirety
- 6. Page 2, line 14.
Following: "offenders"
Insert: "designated as level 3 offenders under 46-23-509"
- 7. Page 4, line 11.
Following: line 10
Insert: "NEW SECTION. Section 7. Contingent voidness. If House Bill No. 2 does not contain an item appropriation to implement the provisions of [sections 1 and 2], then [this act] is void."
Renumber: subsequent section

- END -



S BILL NO. 207

INTRODUCED BY

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AS A CONDITION OF SENTENCE THAT SEXUAL OFFENDERS DESIGNATED AS LEVEL 3 OFFENDERS PARTICIPATE IN A PROGRAM FOR CONTINUOUS, SATELLITE-BASED MONITORING; REQUIRING THE DEPARTMENT OF CORRECTIONS TO ESTABLISH A PROGRAM FOR THE CONTINUOUS SATELLITE-BASED MONITORING OF LEVEL 3 SEXUAL OFFENDERS; REQUIRING PROGRESS REPORTS; AMENDING SECTION 46-23-1031, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the United States Department of Justice has published confirmed statistics that over 60% of serious and violent offenders in state prisons have a history of prior convictions and that the number of prisoners convicted for violent sexual assault has increased by an annual rate of 15% each year since 1980; and

WHEREAS, criminals who commit sexual and violent crimes have shown unusually high recidivism rates, thereby posing an unacceptable level of risk to the community; and

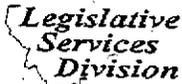
WHEREAS, intensive supervision of sexual or violent offenders is a crucial element to both the rehabilitation of the released convicts and the safety of the surrounding community; and

WHEREAS, mature technological solutions now exist to provide improved supervision and behavioral control of sexual or violent offenders following their release; and

WHEREAS, these solutions can now also provide law enforcement and correctional professionals with significant new tools for electronic correlation of the constantly updated geographical location of supervised sexual or violent offenders following their release with the geographic location of reported crimes, both to possibly link released offenders to crimes or to possibly exclude released offenders from ongoing criminal investigations; and

WHEREAS, continuous 24-hour-a-day, 7-day-a-week electronic monitoring of those convicted of sexual offenses is a valuable and reasonable requirement for those convicts who are placed on probation, who failed to register as sexual or violent offenders as required by law, or who have been released from incarceration while they remain under the active supervision of the state.

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



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

NEW SECTION. Section 1. Sexual offenders -- electronic monitoring as additional condition of sentence. *who is designated as a level 3 offender under 46-23-509,* (1) Upon sentencing a person for conviction of a sexual offense under Title 45, chapter 5, part 5, the sentencing judge shall, as a condition of sentence, *conditional release,* including probation, parole, or deferment or suspension of sentence, require the offender to participate in the program for the continuous satellite-based monitoring of sexual offenders established under [section 2].

~~(2) Monitoring of a sexual offender under subsection (1) must continue for:~~

~~(a) the balance of the sentence imposed on the offender following the release of the offender from incarceration if the offender is designated as a level 1 or level 2 offender under 46-23-509; or~~

~~(b) the balance of the maximum period of incarceration that could be imposed on the offender following the release of the offender from incarceration if the offender is designated as a level 3 offender under 46-23-509.~~

NEW SECTION. Section 2. Sexual offenders -- electronic monitoring program -- contract -- rules.

(1) The department shall establish a program for the continuous, satellite-based monitoring of sexual offenders. The program may include: *designated as level 3 offenders under 46-23-509*

(a) time-correlated and continuous tracking of the geographic location of a monitored person using a global positioning system based on satellite and other location-tracking technology;

(b) reporting of a monitored person's violation of prescriptive and proscriptive schedule or location requirements. Frequency of reporting may range from once-a-day, passive reporting to near-real-time, active reporting.

(c) an automated system that allows local and state law enforcement officials to compare the geographic positions of a monitored person with reported criminal incidents to determine whether the monitored person was at or near the scene of a reported criminal incident and to include or exclude a monitored person from the investigation of a criminal incident.

(2) The department shall adopt rules for the establishment and operation of the program required under subsection (1), including rules establishing supervisory fees. The department may consult with state and local law enforcement officials in developing the rules.

(3) The department shall contract with a single vendor for the procurement of the equipment and services needed to monitor persons under the program and correlate the movements of monitored persons to reported criminal incidents. The contract may provide for equipment and services necessary to implement or



NOTE: amdmf 7.
"CONTINGENT voidness" section inserted on P. 4