

## HOUSE BILL NO. 550

INTRODUCED BY N. BIXBY

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF JUSTICE TO GATHER DATA ON THE COMMISSION OF AND SENTENCING FOR BURGLARY, ARMED ROBBERY, AND SEXUAL INTERCOURSE WITHOUT CONSENT DURING THE PAST 2 YEARS; REQUIRING A REPORT ON THE RESULTS OF THE DATA, INCLUDING WHETHER RACE OR ETHNIC BACKGROUND APPEARS TO BE A FACTOR IN CHARGING THE ENUMERATED OFFENSES OR IN THE SENTENCES IMPOSED UPON CONVICTION OF THE ENUMERATED OFFENSES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Data gathering.** (1) The department of justice shall review criminal justice information related to the commission of and sentencing for burglary, armed robbery, and sexual intercourse without consent during the past 2 years. The department shall compile the data relating to the enumerated offenses from the time of an investigation through sentencing. The data must include information relating to the race or ethnic background of individuals charged with and convicted of the enumerated offenses.

(2) The department of justice shall prepare a report based upon the data collected in order to determine if race or ethnic background appears to be a factor in charging the enumerated offenses or in the sentences imposed upon conviction of the enumerated offenses. If the data gathered indicates that race or ethnic background may be a factor in charging offenses or in the sentences imposed, the department shall include in the report suggested legislation to provide remedies for individuals subjected to disparate treatment.

(3) The report required in subsection (2) must be completed by September 1, 2008, and must be filed with the legislature as provided in 5-11-210.

**NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

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

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