

HOUSE BILL NO. 535

INTRODUCED BY K. WAGONER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MANDATORY MINIMUM PENALTIES FOR CERTAIN OFFENSES INVOLVING UNLAWFUL SEXUAL CONDUCT; AMENDING SECTION 46-18-205, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 46-18-205, MCA, is amended to read:

"46-18-205. Mandatory minimum sentences -- restrictions on deferral or suspension. (1) If the victim was less than 16 years of age, the imposition or execution of the first 30 days of a sentence of imprisonment ~~imposed under the following sections for indecent exposure under 45-5-504~~ may not be deferred or suspended and the provisions of 46-18-222 do not apply to the first 30 days of the imprisonment:

- ~~_____ (a) 45-5-503, sexual intercourse without consent;~~
- ~~_____ (b) 45-5-504, indecent exposure;~~
- ~~_____ (c) 45-5-507, incest; or~~
- ~~_____ (d) 45-8-218, deviate sexual conduct.~~

(2) Except as provided in 45-9-202 and 46-18-222, the imposition or execution of the first 2 years of a sentence of imprisonment imposed under the following sections may not be deferred or suspended:

- (a) 45-5-103(4), mitigated deliberate homicide;
- (b) 45-5-202, aggravated assault;
- (c) 45-5-302(2), kidnapping;
- (d) 45-5-303(2), aggravated kidnapping;
- (e) 45-5-401(2), robbery;
- (f) 45-5-502(3), sexual assault;
- (g) 45-5-503(2) and (3), sexual intercourse without consent;
- (h) 45-5-507, incest;
- ~~(h)~~(i) 45-5-603, aggravated promotion of prostitution;
- (j) 45-8-218, deviate sexual conduct;

1 ~~(j)~~(k) 45-9-101(2), (3), and (5)(d), criminal distribution of dangerous drugs;

2 ~~(j)~~(l) 45-9-102(4), criminal possession of dangerous drugs; and

3 ~~(k)~~(m) 45-9-103(2), criminal possession with intent to distribute dangerous drugs.

4 (3) Except as provided in 46-18-222, the imposition or execution of the first 10 years of a sentence of
5 imprisonment imposed under 45-5-102, deliberate homicide, may not be deferred or suspended.

6 (4) The provisions of this section do not apply to sentences imposed pursuant to 45-5-310, 45-5-311,
7 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4).

8 (5) For purposes of subsection (2)(g), the provisions of 46-18-222(5) do not apply to a conviction under
9 45-5-503(3)(a) for sexual intercourse without consent if the victim was less than 16 years of age."

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11 NEW SECTION. Section 2. Applicability. [This act] applies to offenses committed on or after [the
12 effective date of this act].

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- END -