

1 HOUSE BILL NO. 578

2 INTRODUCED BY T. MOORE, C. FRIEDEL, T. JACOBSON, R. LYNCH, K. REGIER, A. BUCKLEY, F.

3 FLEMING, F. GARNER, K. KELKER, E. KERR-CARPENTER, D. LENZ, B. MERCER, A. REGIER, E.

4 STAFMAN, M. STROMSWOLD, B. USHER, S. VINTON

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6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE TRANSFER OF
7 DEFENDANTS AFTER SENTENCING; AND AMENDING SECTION 46-19-101, MCA."8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10
11 **Section 1.** Section 46-19-101, MCA, is amended to read:12 **"46-19-101. Commitment of defendant -- transfer of information in possession of sheriff --**
13 **notification to court of delay.** (1) Upon oral pronouncement of a sentence imposing punishment of
14 imprisonment, commitment to the department of corrections, placement in a prerelease center, community
15 corrections facility, or other place of confinement, or death, the court shall commit the defendant to the custody
16 of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give
17 that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of
18 sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or
19 execution, as the case may be. The order is authority for that place to hold the defendant pending receipt by
20 that place of a copy of the written judgment.21 (2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the
22 sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and
23 mental health of the defendant, including health information contained in a presentence investigation report.24 (3) If a defendant is sentenced to prison, another place of confinement operated by or under contract
25 with the department of corrections, or committed to the department and the department does not accept
26 delivery of the defendant within 5 days of the oral pronouncement of the sentence, the department shall notify
27 the court in writing of the reason for the delay."

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