

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

_____ Bill Number _____

Legislative Action:

Introduced by: Senator Alex Esteves
Authored by: Alex Esteves

House Committee: _____
House: _____
Senate Committee: _____
Senate: _____
Governor: _____

Delegation: Miles City

Referred to Committee: _____

1 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE DEATH PENALTY AND
2 REPLACING IT WITH LIFE IMPRISONMENT WITHOUT POSSIBILITY OF PAROLE;
3 AMENDING SECTION 46-18-301; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
4

5 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:
6

7 **Section 1. Definitions.**

8 "Abolish" to do away with; to put to an end; annul; to make void

9 **Section 2. Section 46-18-301, Amended to read:**

10 "46-18-301. Hearing on imposition of death penalty. (1) When a defendant is found
11 guilty of or pleads guilty to an offense for which the sentence of ~~death~~ life imprisonment without
12 possibility of parole may be imposed, the judge who presided at the trial or before whom the
13 guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or
14 nonexistence of the circumstances set forth in [46-18-303](#) and [46-18-304](#) for the purpose of
15 determining the sentence to be imposed. The hearing must be conducted before the court alone.

16 (2) (a) Subject to subsection (2)(b), the sentence must be pronounced and judgment
17 rendered within 120 days after the defendant is found guilty or pleads guilty or within 120 days
18 after the Montana supreme court enters a final decision on appeal.

19 (b) The district court may allow not more than one extension of up to 60 days after
20 entering findings of fact that the extension is necessary to prevent undue hardship to a party.

21 **Section 3. Resentencing.**

22 A person who is under a sentence of death prior to (the effective date of this act) must be
23 resentenced by the court in which the person was convicted to life imprisonment without
24 possibility of parole.

25 **Section 4. Effective Date.**

26 This bill is to become effective immediately upon passage.
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