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As of: December 22, 2008 (2:24pm)

LC0589

**** Bill No. ****

Introduced By *****

By Request of the Law and Justice Interim Committee

A Bill for an Act entitled: "An Act requiring that all information in the possession of a jurisdiction committing a prisoner to the Montana state prison regarding the mental and physical health of the prisoner be forwarded to the prison at the time the prisoner is committed to the prison; amending section 46-18-112, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-18-112, MCA, is amended to read:

**"46-18-112. Content of presentence investigation report --
health information to be forwarded to prison.** (1) Whenever an investigation is required, the probation officer shall promptly inquire into and report upon:

(a) the defendant's characteristics, circumstances, needs, and potentialities;

(b) the defendant's criminal record and social history;

(c) the circumstances of the offense;

(d) the time of the defendant's detention for the offenses charged;

(e) the harm caused, as a result of the offense, to the victim, the victim's immediate family, and the community; and

(f) the victim's pecuniary loss, if any. The officer shall

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make a reasonable effort to confer with the victim to ascertain whether the victim has sustained a pecuniary loss. If the victim is not available or declines to confer, the officer shall record that information in the report.

(2) All local and state mental and correctional institutions, courts, and law enforcement agencies shall furnish, upon request of the officer preparing a presentence investigation, the defendant's criminal record and other relevant information.

(3) The court may, in its discretion, require that the presentence investigation report include a physical and mental examination of the defendant.

(4) A jurisdiction committing a prisoner to the Montana state prison shall forward to the prison, at the time the prisoner is committed to the prison, all information in the possession of the jurisdiction concerning the physical and mental health of the prisoner."

{*Internal References to 46-18-112:*
46-14-301X }

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