

# MONTANA

## STATISTICAL INFORMATION

**Current Governor:** Brian Schweitzer  
**Term of Office:** Jan. 2005-Jan. 2009

**Legislative Term:** No 2004 Regular Session

**Total Inmate Pop.**

(As of 6/28/05): 3,734      **White: 79%**    **Black: 2%**    **Latino/a: 3%**    **Other: 16%**

**Death Row Pop.**

(As of 6/28/05): 4      **White: 4**      **Black: 0**      **Latino/a: 0**      **Other: 0**

**EXECUTIONS:**

**Since 1976:** 2      **White: 2**      **Black: 0**      **Latino/a: 0**      **Other: 0**  
(As of 6/28/05)

**Carried out in 2003:** 0

**Carried out in 2004:** 0

**Scheduled for 2005:** 0      **Scheduled for 2**      **0**  
(6/28/05)

**INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2004**

*(does not include those executed by the state or those who died of natural causes) :*

**Total Number:** 7

**Sentence/Conviction overturned (minus exonerations):** 6

**Sentence reduced:** 1

**Exonerations:** 0

**Other:** 0

**RELATED STATUTORY PROVISIONS:**

**Life without Parole:** yes

**Prohibits the execution of juvenile offenders:** yes

**Prohibits the execution of mentally retarded offenders:** yes

**Prohibits the execution of mentally ill offenders:** no

**CURRENT STATUS OF THE MORATORIUM:**

**Moratorium:** no

**Study:** no

## **HISTORY OF LEGISLATION ADDRESSING ABA ISSUES**

**Moratorium/Study:** Current: 2005: One Act, which missed the deadline for General Bill Transmission, would have abolished the death penalty and replaced it with life imprisonment without possibility of release (HB561).

Previous Years: 2003: One bill that died would abolish the death penalty (LD1729). Another bill that died would abolish the death penalty (LC1938). Another bill aimed at abolishing the death penalty and replacing it with life imprisonment without the possibility of release died (HB529). One bill signed into action by the Governor removes reference to the death penalty from the Penalty Enhancement Law (SB68). 2001: One bill introduced would have abolished the death penalty; 1999: One bill died that would have abolished the death penalty; One bill died that would have removed the death sentence as a possible sentence for a person convicted twice of sexual intercourse without consent; One bill died that would have established a moratorium on the death penalty; One bill died in the Judiciary Committee that would have created an independent commission to study all aspects of the death penalty.

### **Capital Offenses and Procedures:**

Current: None.

Previous Years: None.

### **Aggravating and Mitigating Circumstances:**

Current: None.

Previous Years: None.

### **DNA Testing and Preservation of Material Evidence:**

Current: None.

Previous Years: 2003: One bill the governor signed into effect provides a procedure for DNA testing of a person convicted of a felony who is serving a term of incarceration; and requires the state to preserve scientific identification evidence that the state has reason to believe contains DNA material and that is obtained in connection with a felony for which a conviction is obtained (HB77). Another bill the governor signed into effect provided for post-conviction DNA testing (HB209).

### **Crime Labs and Medical Examiner Offices:**

Current: None.

Previous Years: None.

### **Counsel Qualifications, Training, and Competency:**

Current: None.

Previous Years: None.

**Counsel**

**Compensation:**

**Current: None.**

**Previous Years: 2003: One bill failed that required state responsibility for indigent defense (LC1773).**

**Judges and Juries:**

**Current: None.**

**Previous Years: None.**

**Racial and Ethnic**

**Minorities:**

**Current: None.**

**Previous Years: 2003: Prohibits the application of the death penalty on the basis of race (LB781).**

**Juvenile Offenders:**

**Current: None.**

**Previous Years: 1999: One bill passed by both houses and signed by the governor eliminates the death penalty for offenders less than 18 years of age.**

**Mental Retardation,**

**Mental Disability**

**and Mental**

**Competency:**

**Current: None.**

**Previous Years: None.**

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS  
THAT HAVE PASSED MORATORIUM RESOLUTIONS**

none

**\*\*Last Updated on June 28, 2005**