

1 H BILL NO. 2/80
2 INTRODUCED BY Sully Rammig, Rumble
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
5 SPECIFIC TIME PERIOD IN WHICH A CRIMINAL CHARGE MAY BE
6 AMENDED BY THE PROSECUTION WITHOUT LEAVE OF THE DISTRICT
7 COURT AS TO MATTERS OF SUBSTANCE AND TO LIMIT SUCH
8 AMENDMENTS TO ONE OCCASION; AMENDING SECTION 95-1505, R.C.M.
9 1947."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 95-1505, R.C.M. 1947, is amended to
13 read as follows:

14 "95-1505. Amending the charge. (a) A charge may be
15 amended ~~once~~ in matters of substance at any time before the
16 defendant pleads ~~not less than 15 days before trial~~, without
17 leave of court.

18 (b) The court may permit any charge to be amended as
19 to form at any time before verdict or finding if no
20 additional or different offense is charged and if the
21 substantial rights of the defendant are not prejudiced.

22 (c) No charge shall be dismissed because of a formal
23 defect which does not tend to prejudice a substantial right
24 of the defendant."

-End-

HB 280

INTRODUCED BILL

Approved by Committee
on Judiciary

HOUSE BILL NO. 280

INTRODUCED BY SCULLY, RAMIREZ, KIMBLE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
SPECIFIC TIME PERIOD IN WHICH A CRIMINAL CHARGE MAY BE
AMENDED BY THE PROSECUTION ~~WITHOUT~~ WITH LEAVE OF THE
DISTRICT COURT AS TO MATTERS OF SUBSTANCE AND TO LIMIT SUCH
AMENDMENTS TO ONE OCCASION; AMENDING SECTION 95-1505, R.C.M.
1947."

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

Section 1. Section 95-1505, R.C.M. 1947, is amended to
read as follows:

"95-1505. Amending the charge. (a) A charge may be
amended ~~once~~ in matters of substance at any time ~~before the~~
~~defendant pleads not less than 15 days before trial,~~ without
WITH leave of court.

(b) The court may permit any charge to be amended as
to form at any time before verdict or finding if no
additional or different offense is charged and if the
substantial rights of the defendant are not prejudiced.

(c) No charge shall be dismissed because of a formal
defect which does not tend to prejudice a substantial right
of the defendant."

-End-

SECOND READING

HB 280

HOUSE BILL NO. 280

INTRODUCED BY SCULLY, RAMIREZ, KIMBLE

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A SPECIFIC TIME PERIOD IN WHICH A CRIMINAL CHARGE MAY BE AMENDED BY THE PROSECUTION ~~WITHOUT~~ WITH LEAVE OF THE DISTRICT COURT AS TO MATTERS OF SUBSTANCE AND TO LIMIT SUCH AMENDMENTS TO ONE OCCASION; AMENDING SECTION 95-1505, R.C.M. 1947."

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

Section 1. Section 95-1505, R.C.M. 1947, is amended to read as follows:

"95-1505. Amending the charge. (a) A charge may be amended once in matters of substance at any time, ~~before the defendant pleads~~ not less than 15 days before trial, without WITH leave of court.

(b) The court may permit any charge to be amended as to form at any time before verdict or finding if no additional or different offense is charged and if the substantial rights of the defendant are not prejudiced.

(c) No charge shall be dismissed because of a formal defect which does not tend to prejudice a substantial right of the defendant."

-End-

44-130

THIRD READING

March 30, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on Judiciary

That House Bill No. 280, third reading, be amended as follows:

1. Amend title, line 6.

Following: "~~WITHOUT~~"

Strike: "WITH"

Insert: "WITHOUT"

2. Amend page 1, section 1, line 16.

Following: "than"

Strike: "15"

Insert: "5"

3. Amend page 1, section 1, line 17.

Following: line 16

Strike: "WITH"

Insert: "without"

HOUSE BILL NO. 280

INTRODUCED BY SCULLY, RAMIREZ, KIMBLE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A SPECIFIC TIME PERIOD IN WHICH A CRIMINAL CHARGE MAY BE AMENDED BY THE PROSECUTION ~~WITHOUT~~ ~~WITH~~ ~~WITHOUT~~ LEAVE OF THE DISTRICT COURT AS TO MATTERS OF SUBSTANCE AND TO LIMIT SUCH AMENDMENTS TO ONE OCCASION; AMENDING SECTION 95-1505, R.C.M. 1947."

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

Section 1. Section 95-1505, R.C.M. 1947, is amended to read as follows:

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(b) The court may permit any charge to be amended as to form at any time before verdict or finding if no additional or different offense is charged and if the substantial rights of the defendant are not prejudiced.

(c) No charge shall be dismissed because of a formal defect which does not tend to prejudice a substantial right of the defendant."

-End-

REFERENCE BILL

HB 280