

CHAPTER NO. 207.

SENATE BILL NO. 204

INTRODUCED BY AKLESTAD, KOLSTAD, MEHRENS, THOMAS,
E. SMITH, LENSINK, NELSON, O'HARA, GALT, ANDERSON, HAFFERMAN

IN THE SENATE

January 23, 1979	Introduced and referred to Committee on Judiciary.
January 30, 1979	Committee recommend bill do pass as amended. Report adopted.
January 31, 1979	Printed and placed on members' desks.
February 1, 1979	Second reading, do pass.
February 2, 1979	Considered correctly engrossed.
February 3, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 5, 1979	Introduced and referred to Committee on Judiciary.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in.
March 8, 1979	Third reading, concurred in.

IN THE SENATE

March 9, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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House BILL NO. *204*
Amended
INTRODUCED BY *Amended* *Amended* *Amended* *Amended* *Amended*
E. Smith *David Nelson* *Officer* *Thell* *Anderson*
Wofford

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
46-9-103, MCA, TO PERMIT A COURT TO ADMIT A DEFENDANT
CONVICTED OF DELIBERATE HOMICIDE TO BAIL ONLY IF THE
DEFENDANT PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT HE
IS NOT A DANGER TO OTHERS."

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

Section 1. Section 46-9-103, MCA, is amended to read:

"46-9-103. Bail after conviction. ~~(1)~~ After conviction
of an offense not punishable by death, a defendant who
intends to appeal may be admitted to bail:

~~(1)(a)~~ as a matter of right, from a judgment imposing
a fine only or any judgment rendered by a justice's or city
court;

~~(1)(b)~~ as a matter of discretion in all other cases.

~~(2) After conviction of the offense of deliberate
homicide, a defendant who intends to appeal may, in the
court's discretion, be admitted to bail only if the
defendant proves by a preponderance of the evidence that he
is not a danger to others."~~

-End-

1995
INTRODUCED BILL

Approved by Committee
on Judiciary

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2 INTRODUCED BY AKLESTAD, KOLSTAD, MEHRENS, THOMAS,
3 E. SMITH, LUND, NELSON, O'HARA, GALT, ANDERSON, HAFFERMAN
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
6 46-9-103, MCA, TO PERMIT--A--COURT--TO--ADMIT--A--DEFENDANT
7 CONVICTED--OF--DELIBERATE--HOMICIDE--TO--BAIL--ONLY--IF--THE
8 DEFENDANT--PROVES--BY--A--PREPONDERANCE--OF--THE--EVIDENCE--THAT--HE
9 IS--NOT--A--DANGER--TO--OTHERS PROVIDE THAT THERE IS A REBUTTABLE
10 PRESUMPTION THAT A DEFENDANT CONVICTED OF DELIBERATE
11 HOMICIDE IS A DANGER TO OTHERS AND NOT ENTITLED TO BAIL."
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3 ~~OTHERS AND NOT ENTITLED TO BE ADMITTED TO BAIL, WHICH~~
4 ~~PRESUMPTION IS REBUTTABLE."~~

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PRESUMPTION THAT A DEFENDANT CONVICTED OF DELIBERATE
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