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. |
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| 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 HOU | SE |
| 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 SEN | ATE |
| March 9, 1979 | Returned from second house. Concurred in. Sent to enrolling. |

Reported correctly enrolled.

1 INTRODUCED BY 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." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 46-9-103. MCA, is amended to read: *46-9-103. Bail after conviction. [11] After conviction 12 13 of an offense not punishable by death, a defendant who 14 intends to appeal may be admitted to bail: 15 (1)(a) as a matter of right, from a judgment imposing 15 a fine only or any judgment rendered by a justice's or city 17 court: 18 †2)(b) as a matter of discretion in all other cases. 19 121 After conviction of the offense of deliberate 20 homicide, a defendant who intends to appeal may, in the 21 court's discretion, be admitted to bail only if the 22 defendant proves by a preponderance of the evidence that he 23 is not a danger to others."

-End-

SB 0204/02 45th Legislature

Approved by Committee on Judiciary

| l | SENATE BILL NO. 204 |
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| 2 | INTRODUCED BY AKLESTAD, KOLSTAD, MEHRENS, THOMAS, |
| 3 | E. SMITH, LUND, NELSON, O'HARA, GALT, ANDERSON, HAFFERMAN |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION |
| 6 | 46-9-103+ MCA+ TO PERMITAEBURTTBABMIT-A-BEFENBANT |
| 7 | 68NV167E88FBEL1BERATEHOM16186TG8A1L8NLY1FTHE |
| 8 | BEFENDANTPRBYES-BY-A-PREPBNBERANCE-BF-THE-EYIBENCE-THAT-HE |
| 9 | #5-NOT-A-BANGER-FO-OTHERS PROVIDE THAT THERE IS A REBUITABLE |
| 10 | PRESUMPTION THAT A DEFENDANT CONVICTED OF DELIBERATE |
| 11 | HOMICIDE IS A DANGER TO DINERS AND NOT ENTITLED TO BALL . " |
| 12 | |
| 13 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 14 | Section 1. Section 46-9-103, MCA, is amended to read: |
| 15 | "46-9-103. Bail after conviction. (1) After conviction |
| 16 | of an offense not punishable by death, a defendant who |
| 17 | intends to appeal may be admitted to bail: |
| 18 | <pre>fif(a) as a matter of right, from a judgment imposing</pre> |
| 19 | a fine only or any judgment rendered by a justice's or city |
| 20 | court; |
| 21 | f≥}(b) as a matter of discretion in all other cases. |
| 22 | (4) After-conviction-of-the-offense-of-deliberate |
| 23 | homicidex==a==defendant==wba==intenda==to=appeal=mayx=in=the |
| 24 | courtisandiscretionsambemadeittedantombeitmontymiffamthe |
| 25 | defendantproves-by-a-preponderance-of-the-evidence-that-he |

1 is-not-a-danger-to-others: A DEFENDANT CONVICTED OF THE

SB 0204/02

- DEFENSE OF DELIBERATE HOMICIDE IS PRESUMED TO BE A DANGER TO
- OTHERS AND NOT ENTITLED TO BE ADMITTED TO BAIL WHICH
- PRESUMPTION IS REBUITABLE."

-End-

-2-SB 204

SECOND READING

45th Legislature SB 0204/02

SENATE BILL NO. 204

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| 2 | INTRODUCED BY AKLESTAD, KOLSTAD, MEHRENS, THOMAS, |
|----|--|
| 3 | E. SMITH: LUND: NELSON: O'HARA: GALT: ANDERSON: HAFFERMAN |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION |
| 6 | 46-9-103. MCA. TO PERMITACOURTTOADMIT-A-DEFENDANT |
| 7 | 68NVI67E88F8ELIBERATEH8M16IBET88AIL8NLYIFTHE |
| В | DEFENDANTPROVES-BY-A-PREPONDERANCE-BF-THE-EVIDENCE-THAT-HE |
| 9 | 15-NOT-A-BANGER-TO-OTHERS PROVIDE THAT THERE IS A REBUITABLE |
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| 9 | a fine only or any judgment rendered by a justice's or city |
| 0 | court; |
| 1 | (2)(b) as a matter of discretion in all other cases. |
| 2 | (2) After-convictionoftheoffenseofdeliberate |
| 3 | homicidex==o==defendant==who==intenda==to=appent=wexx=in=the |
| 4 | courtis==discretionx==be==admitted==to==bail==onix==if===the |
| 5 | defendantproves-by-a-prepanderance-of-the-evidence-that-he |

- SB 0204/02
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-End-

-2-

SB 204

46th Legislature SB 0204/03

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| 3 | E. SMITH, LUND, NELSON, O'HARA, GALT, ANDERSON, HAFFERMAN |
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| 23 | howicidex==o==defendant==who==intendi==to=sppesl=waxx=in=the |
| 24 | courtisated accetion was beautomitted at total bail and was if another |
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SB 0204/03

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-End-

-2- SR 204