

SENATE BILL 495

IN THE SENATE

February 13, 1979	Introduced and referred to Committee on Judiciary.
February 19, 1979	Committee recommend bill, as amended.
February 20, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Judiciary.
April 20, 1979	Died in Committee.

1 *Sen* BILL NO. *495*
 2 INTRODUCED BY *Mike O'Hara Galt Olson Anderson*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE
 5 DEFENSE OF MENTAL DISEASE OR DEFECT IN CRIMINAL ACTIONS AND
 6 TO PROVIDE AN ALTERNATIVE SENTENCING PROCEDURE TO BE
 7 FOLLOWED WHEN A CONVICTED DEFENDANT IS FOUND TO HAVE BEEN
 8 SUFFERING FROM A MENTAL DISEASE OR DEFECT AT THE TIME OF THE
 9 COMMISSION OF THE OFFENSE OF WHICH HE WAS CONVICTED;
 10 AMENDING SECTIONS 46-14-101, 46-14-201 THROUGH 46-14-203,
 11 46-14-213, 46-14-401, AND 46-15-301, MCA; REPEALING SECTIONS
 12 46-14-211 AND 46-14-301 THROUGH 46-14-304, MCA."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 46-14-101, MCA, is amended to read:

16 "46-14-101. Mental disease or defect excluding
 17 responsibility. ~~{1}-A person is not responsible for criminal~~
 18 ~~conduct if at the time of such conduct as a result of mental~~
 19 ~~disease or defect he is unable either to appreciate the~~
 20 ~~criminality of his conduct or to conform his conduct to the~~
 21 ~~requirements of law~~

22 {2} As used in this chapter, the term "mental disease
 23 or defect" does not include an abnormality manifested only
 24 by repeated criminal or other antisocial conduct."

25 Section 2. Section 46-14-201, MCA, is amended to read:

1 "46-14-201. Affirmative defense -- requirement of
 2 notice -- form of verdict and judgment. ~~{1}-Mental disease~~
 3 ~~or defect excluding responsibility is an affirmative defense~~
 4 ~~which the defendant must establish by a preponderance of the~~
 5 ~~evidence~~

6 {2} Evidence of mental disease or defect excluding
 7 responsibility is not admissible in a trial on the merits
 8 unless the defendant, at the time of entering his plea of
 9 not guilty or within 10 days thereafter or at such later
 10 time as the court may for good cause permit, files a written
 11 notice of his purpose to rely on such defenses

12 {3} ~~The defendant shall give similar notice when in a~~
 13 ~~trial on the merits, he intends to rely on a mental disease~~
 14 ~~or defect to prove that he did not have a particular state~~
 15 ~~of mind which is an essential element of the offense~~
 16 ~~charged. Otherwise, except on good cause shown, he shall not~~
 17 ~~introduce in his case in chief expert testimony in support~~
 18 ~~of that defense.~~

19 {4} ~~When the defendant is acquitted on the ground of~~
 20 ~~mental disease or defect excluding responsibility, the~~
 21 ~~verdict and the judgment shall so state"~~

22 Section 3. Section 46-14-202, MCA, is amended to read:

23 "46-14-202. Psychiatric examination of defendant. (1)
 24 When ~~the defendant has filed a notice of intention to rely~~
 25 ~~on the defense of mental disease or defect excluding~~

1 ~~responsibility--or~~ there is reason to doubt his ~~the~~
 2 ~~defendant's~~ fitness to proceed or reason to believe that
 3 mental disease or defect of the defendant will otherwise
 4 become an issue in the cause, the court shall appoint at
 5 least one qualified psychiatrist or shall request the
 6 superintendent of Warm Springs state hospital to designate
 7 at least one qualified psychiatrist, which designation may
 8 be or include himself, to examine and report upon the mental
 9 condition of the defendant.

10 (2) The court may order the defendant to be committed
 11 to a hospital or other suitable facility for the purpose of
 12 the examination for a period of not exceeding 60 days or
 13 such longer period as the court determines to be necessary
 14 for the purpose and may direct that a qualified psychiatrist
 15 retained by the defendant be permitted to witness and
 16 participate in the examination.

17 (3) In the examination any method may be employed
 18 which is accepted by the medical profession for the
 19 examination of those alleged to be suffering from mental
 20 disease or defect."

21 Section 4. Section 46-14-203, MCA, is amended to read:
 22 "46-14-203. Report of the examination. (1) The report
 23 of the examination shall include the following:

- 24 (a) a description of the nature of the examination;
 25 (b) a diagnosis of the mental condition of the

1 defendant;

2 (c) if the defendant suffers from a mental disease or
 3 defect, an opinion as to his capacity to understand the
 4 proceedings against him and to assist in his own defense;

5 ~~(d)--when-a-notice-of-intention-to-rely-on-the--defense~~
 6 ~~of--irresponsibility--has--been--filed--an-opinion-as-to-the~~
 7 ~~ability-of-the-defendant-to-appreciate--the--criminality--of~~
 8 ~~his-conduct-or-to-conform-his-conduct-to-the-requirements-of~~
 9 ~~law-at-the-time-of-the-criminal-conduct-charged~~ and

10 ~~(e)(d)~~ when directed by the court, an opinion as to
 11 the capacity of the defendant to have a particular state of
 12 mind which is an element of the offense charged.

13 (2) If the examination cannot be conducted by reason
 14 of the unwillingness of the defendant to participate
 15 therein, the report shall so state and shall include, if
 16 possible, an opinion as to whether the unwillingness of the
 17 defendant was the result of mental disease or defect.

18 (3) The report of the examination shall be filed in
 19 triplicate with the clerk of court, who shall deliver copies
 20 to the county attorney and to counsel for the defendant."

21 Section 5. Section 46-14-213, MCA, is amended to read:
 22 "46-14-213. Psychiatric testimony upon trial. (1) Upon
 23 the trial, any psychiatrist who reported under 46-14-202 and
 24 46-14-203 may be called as a witness by the prosecution or
 25 by the defense. If the issue is being tried before a jury,

1 the jury may not be informed that the psychiatrist was
 2 designated by the court or by the superintendent of Warm
 3 Springs state hospital. Both the prosecution and the
 4 defense may summon any other qualified psychiatrist or other
 5 expert to testify, but no one who has not examined the
 6 defendant is competent to testify to an expert opinion with
 7 respect to the mental condition ~~or responsibility~~ of the
 8 defendant, as distinguished from the validity of the
 9 procedure followed by or the general scientific propositions
 10 stated by another witness.

11 (2) When a psychiatrist or other expert who has
 12 examined the defendant testifies concerning the defendant's
 13 mental condition, he may make a statement as to the nature
 14 of his examination, his diagnosis of the mental condition of
 15 the defendant at the time of the commission of the offense
 16 charged, and his opinion as to the ability of the defendant
 17 ~~to appreciate the criminality of his conduct, to conform his~~
 18 ~~conduct to the requirements of law or to~~ have a particular
 19 state of mind which is an element of the offense charged.
 20 The expert may make any explanation reasonably serving to
 21 clarify his diagnosis and opinion and may be cross-examined
 22 as to any matter bearing on his competency or credibility or
 23 the validity of his diagnosis or opinion."

24 NEW SECTION. Section 6. Consideration of mental
 25 disease or defect in sentencing. Whenever a defendant is

1 convicted on a verdict or a plea of guilty and he claims
 2 that at the time of the commission of the offense of which
 3 he was convicted he was unable as a result of mental disease
 4 of defect either to appreciate the criminality of his
 5 conduct or to conform his conduct to the requirements of
 6 law, the sentencing court shall consider evidence obtained
 7 as provided in 46-14-202 and 46-14-203 and any other
 8 relevant evidence presented at the trial and shall require
 9 such additional evidence as it considers necessary for the
 10 determination of the issue, including examination of the
 11 defendant and a report thereof as provided in 46-14-202 and
 12 46-14-203.

13 NEW SECTION. Section 7. Sentence to be imposed. (1)
 14 If the court finds that the defendant at the time of the
 15 commission of the offense of which he was convicted did not
 16 suffer from a mental disease or defect as described in
 17 [section 6], it shall sentence him as provided in Title 46,
 18 chapter 18.

19 (2) If the court finds that the defendant at the time
 20 of the commission of the offense suffered from a mental
 21 disease or defect as described in [section 6], any mandatory
 22 minimum sentence prescribed by law for the offense does not
 23 apply and the court shall sentence him to:

24 (a) be committed to the custody of the superintendent
 25 of Warm Springs state hospital to be placed in an

1 appropriate institution for custody, care, and treatment for
2 a period not to exceed the maximum term of imprisonment that
3 could be imposed under subsection (1); or

4 (b) undergo for such a period any other appropriate
5 course of treatment that is accepted by the medical
6 profession and that will not present a danger to the public.

7 (3) If the court sentences the defendant under
8 subsection (2)(a), it may provide that the professional
9 person in charge of the institution in which the defendant
10 is placed may release the defendant on condition after a
11 specified period of time that is less than his period of
12 commitment if the professional person determines that the
13 defendant has been cured of the mental disease or defect
14 found by the court and is no longer a danger to himself or
15 others. If the professional person releases the defendant
16 pursuant to this subsection, he shall report the release and
17 the conditions placed on it to the court.

18 NEW SECTION. Section 8. Recommitment after
19 conditional release. If before the expiration of the period
20 of commitment the court determines after hearing evidence
21 that a defendant who has been released under [section 7(3)]
22 has not fulfilled the conditions of his release and that for
23 his own safety or the safety of others his conditional
24 release should be revoked, the court shall immediately order
25 him to be recommitted to the custody of the superintendent

1 of Warm Springs state hospital to be placed in the same or
2 another appropriate institution for custody, care, and
3 treatment.

4 NEW SECTION. Section 9. Discharge of defendant from
5 supervision. At the expiration of the period of commitment
6 or period of treatment specified by the court under [section
7 7(2)], the defendant must be discharged from custody and
8 further supervision, subject only to the law regarding the
9 civil commitment of persons suffering from serious mental
10 illness.

11 Section 10. Section 46-14-401, MCA, is amended to
12 read:

13 "46-14-401. Admissibility of statements made during
14 examination or treatment. A statement made for the purposes
15 of psychiatric examination or treatment provided for in this
16 chapter by a person subjected to such examination or
17 treatment is not admissible in evidence against him in any
18 criminal proceeding, except a sentencing hearing conducted
19 under [section 6] or a hearing on recommitment conducted
20 under [section 8], on any issue other than that of his
21 mental condition. It is admissible on the issue of his
22 mental condition, whether or not it would otherwise be
23 considered a privileged communication, unless it constitutes
24 an admission of guilt of the crime charged. In a hearing
25 held under [section 6] or [section 8], the court may hear

1 ~~and consider any such statement even if it constitutes an~~
2 ~~admission of guilt."~~

3 Section 11. Section 46-15-301, MCA, is amended to
4 read:

5 "46-15-301. Discovery of witnesses, notice of certain
6 defenses. In all criminal cases originally triable in
7 district court the following rules apply:

8 (1) For the purpose of notice only and to prevent
9 surprise, the prosecution shall furnish to the defendant and
10 file with the clerk of the court at the time of arraignment
11 a list of the witnesses the prosecution intends to call. The
12 prosecution may, any time after arraignment, add to the list
13 the names of any additional witnesses upon a showing of good
14 cause. The list shall include the names and addresses of the
15 witnesses. This subsection does not apply to rebuttal
16 witnesses.

17 (2) (a) For purpose of notice only and to prevent
18 surprise, the defendant shall furnish to the prosecution and
19 file with the clerk of the court, at the time of entering
20 his plea of not guilty or within 10 days thereafter or at
21 such later time as the court may for good cause permit, a
22 statement of intention to interpose the defense of ~~mental~~
23 ~~disease-or-defect~~, self-defense or alibi.

24 (b) If the defendant intends to interpose any of these
25 defenses, he shall also furnish to the prosecution and file

1 with the clerk of the court the names and addresses of all
2 witnesses to be called by the defense in support thereof.
3 Prior to trial the defendant may, upon motion and showing of
4 good cause, add to the list of witnesses the names of any
5 additional witnesses. After the trial commences, no
6 witnesses may be called by the defendant in support of these
7 defenses unless the name of the witness is included on the
8 list, except upon good cause shown."

9 Section 12. Codification. Sections 6 through 9 are
10 intended to be an integral part of Title 46, chapter 14, and
11 the provisions of Title 46, chapter 14, apply to sections 6
12 through 9.

13 Section 13. Repealer. Sections 46-14-211 and 46-14-301
14 through 46-14-304, MCA, are repealed.

-End-

SB 495

SENATE BILL NO. 495

INTRODUCED BY TOWE, O'HARA, GALT, OLSON, ANDERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE DEFENSE OF MENTAL DISEASE OR DEFECT IN CRIMINAL ACTIONS AND TO PROVIDE AN ALTERNATIVE SENTENCING PROCEDURE TO BE FOLLOWED WHEN A CONVICTED DEFENDANT IS FOUND TO HAVE BEEN SUFFERING FROM A MENTAL DISEASE OR DEFECT AT THE TIME OF THE COMMISSION OF THE OFFENSE OF WHICH HE WAS CONVICTED; AMENDING SECTIONS 46-14-101, 46-14-201 THROUGH 46-14-203, 46-14-213, 46-14-401, AND 46-15-301, MCA; REPEALING SECTIONS 46-14-211 AND 46-14-301 THROUGH 46-14-304, MCA."

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

Section 1. Section 46-14-101, MCA, is amended to read:

"46-14-101. Mental disease or defect excluding responsibility. ~~{1} A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he is unable either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law~~

{2} As used in this chapter, the term "mental disease or defect" does not include an abnormality manifested only by repeated criminal or other antisocial conduct."

Section 2. Section 46-14-201, MCA, is amended to read:

"46-14-201. Affirmative defense -- requirement of notice -- form of verdict and judgment. ~~{1} Mental disease or defect excluding responsibility is an affirmative defense which the defendant must establish by a preponderance of the evidence~~

{2} Evidence of mental disease or defect excluding responsibility is not admissible in a trial on the merits unless the defendant, at the time of entering his plea of not guilty or within 10 days thereafter or at such later time as the court may for good cause permit, files a written notice of his purpose to rely on such defense

~~{3} The defendant shall give similar notice when in a trial on the merits he intends to rely on a mental disease or defect to prove that he did not have a particular state of mind which is an essential element of the offense charged. Otherwise, except on good cause shown, he shall not introduce in his case in chief expert testimony in support of that defense.~~

~~{4} When the defendant is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state."~~

Section 3. Section 46-14-202, MCA, is amended to read:

"46-14-202. Psychiatric examination of defendant. {1} When the defendant has filed a notice of intention to rely on the defense of mental disease or defect excluding

responsibility--or there is reason to doubt his the
 defendant's fitness to proceed or reason to believe that
 mental disease or defect of the defendant will otherwise
 become an issue in the cause, the court shall appoint at
 least one qualified psychiatrist or shall request the
 superintendent of Warm Springs state hospital to designate
 at least one qualified psychiatrist, which designation may
 be or include himself, to examine and report upon the mental
 condition of the defendant.

(2) The court may order the defendant to be committed
 to a hospital or other suitable facility for the purpose of
 the examination for a period of not exceeding 60 days or
 such longer period as the court determines to be necessary
 for the purpose and may direct that a qualified psychiatrist
 retained by the defendant be permitted to witness and
 participate in the examination.

(3) In the examination any method may be employed
 which is accepted by the medical profession for the
 examination of those alleged to be suffering from mental
 disease or defect."

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"46-14-203. Report of the examination. (1) The report
 of the examination shall include the following:

- (a) a description of the nature of the examination;
- (b) a diagnosis of the mental condition of the

defendant;

(c) if the defendant suffers from a mental disease or
 defect, an opinion as to his capacity to understand the
 proceedings against him and to assist in his own defense;

~~(d)--when--a--notice--of--intention--to--rely--on--the--defense
 of--irresponsibility--has--been--filed--an--opinion--as--to--the
 ability--of--the--defendant--to--appreciate--the--criminality--of
 his--conduct--or--to--conform--his--conduct--to--the--requirements--of
 law--at--the--time--of--the--criminal--conduct--charged--and~~

~~(e)~~(d) when directed by the court, an opinion as to
 the capacity of the defendant to have a particular state of
 mind which is an element of the offense charged.

(2) If the examination cannot be conducted by reason
 of the unwillingness of the defendant to participate
 therein, the report shall so state and shall include, if
 possible, an opinion as to whether the unwillingness of the
 defendant was the result of mental disease or defect.

(3) The report of the examination shall be filed in
 triplicate with the clerk of court, who shall deliver copies
 to the county attorney and to counsel for the defendant."

Section 5. Section 46-14-213, MCA, is amended to read:

"46-14-213. Psychiatric testimony upon trial. (1) Upon
 the trial, any psychiatrist who reported under 46-14-202 and
 46-14-203 may be called as a witness by the prosecution or
 by the defense. If the issue is being tried before a jury,

1 the jury may not be informed that the psychiatrist was
 2 designated by the court or by the superintendent of Warm
 3 Springs state hospital. Both the prosecution and the
 4 defense may summon any other qualified psychiatrist or other
 5 expert to testify, but no one who has not examined the
 6 defendant is competent to testify to an expert opinion with
 7 respect to the mental condition or--responsibility of the
 8 defendant, as distinguished from the validity of the
 9 procedure followed by or the general scientific propositions
 10 stated by another witness.

11 (2) When a psychiatrist or other expert who has
 12 examined the defendant testifies concerning the defendant's
 13 mental condition, he may make a statement as to the nature
 14 of his examination, his diagnosis of the mental condition of
 15 the defendant at the time of the commission of the offense
 16 charged, and his opinion as to the ability of the defendant
 17 to appreciate-the-criminallity-of-his-conduct,-to-conform-his
 18 conduct--to-the-requirements-of-law-or-to have a particular
 19 state of mind which is an element of the offense charged.
 20 The expert may make any explanation reasonably serving to
 21 clarify his diagnosis and opinion and may be cross-examined
 22 as to any matter bearing on his competency or credibility or
 23 the validity of his diagnosis or opinion."

24 NEW SECTION. Section 6. Consideration of mental
 25 disease or defect in sentencing. Whenever a defendant is

1 convicted on a verdict or a plea of guilty and he claims
 2 that at the time of the commission of the offense of which
 3 he was convicted he was unable as a result of mental disease
 4 of defect either to appreciate the criminality of his
 5 conduct or to conform his conduct to the requirements of
 6 law, the sentencing court shall consider evidence obtained
 7 as provided in 46-14-202 and 46-14-203 and any other
 8 relevant evidence presented at the trial and shall require
 9 such additional evidence as it considers necessary for the
 10 determination of the issue, including examination of the
 11 defendant and a report thereof as provided in 46-14-202 and
 12 46-14-203.

13 NEW SECTION. Section 7. Sentence to be imposed. (1)
 14 If the court finds that the defendant at the time of the
 15 commission of the offense of which he was convicted did not
 16 suffer from a mental disease or defect as described in
 17 [section 6], it shall sentence him as provided in Title 46,
 18 chapter 18.

19 (2) If the court finds that the defendant at the time
 20 of the commission of the offense suffered from a mental
 21 disease or defect as described in [section 6], any mandatory
 22 minimum sentence prescribed by law for the offense does not
 23 apply and the court shall sentence him to:

24 (a) be committed to the custody of the superintendent
 25 of Warm Springs state hospital to be placed in an

1 appropriate institution for custody, care, and treatment for
2 a period not to exceed the maximum term of imprisonment that
3 could be imposed under subsection (1); or

4 (b) undergo for such a period any other appropriate
5 course of treatment that is accepted by the medical
6 profession and that will not present a danger to the public.

7 (3) If the court sentences the defendant under
8 subsection (2)(a), it may provide that the professional
9 person in charge of the institution in which the defendant
10 is placed may release the defendant on condition after a
11 specified period of time that is less than his period of
12 commitment if the professional person determines that the
13 defendant has been cured of the mental disease or defect
14 found by the court and is no longer a danger to himself or
15 others. If the professional person releases the defendant
16 pursuant to this subsection, he shall report the release and
17 the conditions placed on it to the court.

18 (4) A DEFENDANT WHOSE DISPOSITION OR SENTENCE DOES NOT
19 ALLOW FOR CONDITIONAL RELEASE BY THE PROFESSIONAL PERSON IN
20 CHARGE OF THE INSTITUTION, AS PROVIDED IN SUBSECTION (3),
21 MAY PETITION THE SENTENCING COURT FOR REVIEW OF THE SENTENCE
22 IF THE PROFESSIONAL PERSON CERTIFIES THAT THE DEFENDANT HAS
23 BEEN CURED OF THE MENTAL DISEASE OR DEFECT, THE SENTENCING
24 COURT MAY MAKE ANY ORDER NOT INCONSISTENT WITH ITS ORIGINAL
25 SENTENCING AUTHORITY EXCEPT THAT THE LENGTH OF CONFINEMENT

1 OR SUPERVISION MAY NOT BE INCREASED, THE PROFESSIONAL PERSON
2 SHALL REVIEW THE DEFENDANT'S STATUS EACH YEAR.

3 NEW SECTION. Section 8. Recombitment after
4 conditional release. If before the expiration of the period
5 of commitment the court determines after hearing evidence
6 that a defendant who has been released under [section 7(3)]
7 has not fulfilled the conditions of his release and that for
8 his own safety or the safety of others his conditional
9 release should be revoked, the court shall immediately order
10 him to be recommitted to the custody of the superintendent
11 of Warm Springs state hospital to be placed in the same or
12 another appropriate institution for custody, care, and
13 treatment.

14 NEW SECTION. Section 9. Discharge of defendant from
15 supervision. At the expiration of the period of commitment
16 or period of treatment specified by the court under [section
17 7(2)], the defendant must be discharged from custody and
18 further supervision, subject only to the law regarding the
19 civil commitment of persons suffering from serious mental
20 illness.

21 Section 10. Section 46-14-401, MCA, is amended to
22 read:

23 "46-14-401. Admissibility of statements made during
24 examination or treatment. A statement made for the purposes
25 of psychiatric examination or treatment provided for in this

1 chapter by a person subjected to such examination or
 2 treatment is not admissible in evidence against him in any
 3 criminal proceeding, except a sentencing hearing conducted
 4 under [section 6] or a hearing on recommitment conducted
 5 under [section 8], on any issue other than that of his
 6 mental condition. It is admissible on the issue of his
 7 mental condition, whether or not it would otherwise be
 8 considered a privileged communication, unless it constitutes
 9 an admission of guilt of the crime charged. In a hearing
 10 held under [section 6] or [section 8], the court may hear
 11 and consider any such statement even if it constitutes an
 12 admission of guilt."

13 Section 11. Section 46-15-301, MCA, is amended to
 14 read:

15 "46-15-301. Discovery of witnesses, notice of certain
 16 defenses. In all criminal cases originally triable in
 17 district court the following rules apply:

18 (1) For the purpose of notice only and to prevent
 19 surprise, the prosecution shall furnish to the defendant and
 20 file with the clerk of the court at the time of arraignment
 21 a list of the witnesses the prosecution intends to call. The
 22 prosecution may, any time after arraignment, add to the list
 23 the names of any additional witnesses upon a showing of good
 24 cause. The list shall include the names and addresses of the
 25 witnesses. This subsection does not apply to rebuttal

1 witnesses.

2 (2) (a) For purpose of notice only and to prevent
 3 surprise, the defendant shall furnish to the prosecution and
 4 file with the clerk of the court, at the time of entering
 5 his plea of not guilty or within 10 days thereafter or at
 6 such later time as the court may for good cause permit, a
 7 statement of intention to interpose the defense of mental
 8 ~~disease-or-defect~~, self-defense, or alibi.

9 (b) If the defendant intends to interpose any of these
 10 defenses, he shall also furnish to the prosecution and file
 11 with the clerk of the court the names and addresses of all
 12 witnesses to be called by the defense in support thereof.
 13 Prior to trial the defendant may, upon motion and showing of
 14 good cause, add to the list of witnesses the names of any
 15 additional witnesses. After the trial commences, no
 16 witnesses may be called by the defendant in support of these
 17 defenses unless the name of the witness is included on the
 18 list, except upon good cause shown."

19 Section 12. Codification. Sections 6 through 9 are
 20 intended to be an integral part of Title 46, chapter 14, and
 21 the provisions of Title 46, chapter 14, apply to sections 6
 22 through 9.

23 Section 13. Repealer. Sections 46-14-211 and 46-14-301
 24 through 46-14-304, MCA, are repealed.

-End-