

HOUSE BILL NO. 690

INTRODUCED BY KEYSER, KEEDY, MATSKO,
MOORE, BENNETT

BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

IN THE HOUSE

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| February 9, 1981 | Introduced and referred to Committee on Judiciary. |
| February 20, 1981 | Committee recommend bill do pass. Report adopted. |
| February 21, 1981 | Bill printed and placed on members' desks. Second reading, do pass. |
| February 23, 1981 | Considered correctly engrossed. |
| February 24, 1981 | Third reading, passed. Ayes, 85; Noes, 14. Transmitted to Senate. |

IN THE SENATE

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| March 2, 1981 | Introduced and referred to Committee on Judiciary. |
| March 16, 1981 | Committee recommend bill be concurrent in. Report adopted. |
| March 17, 1981 | Motion pass consideration. |
| March 18, 1981 | Second reading, concurred in. |
| March 20, 1981 | Third reading, concurred in. Ayes, 47; Noes, 0. |

IN THE HOUSE

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| March 21, 1981 | Returned from Senate. Con- curred in. Sent to enrolling. Reported correctly enrolled. |
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 2 INTRODUCED BY Reyes, Keady McB Moore
 3 BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE
 4 Bennett

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 6 CLARIFY CHAPTERS 21 AND 22 OF TITLE 46, MCA, PERTAINING TO
 7 POSTCONVICTION AND HABEAS CORPUS RELIEF; AMENDING SECTIONS
 8 46-21-101, 46-21-102, 46-21-104, 46-21-105, 46-21-201,
 9 46-21-203, AND 46-22-101, MCA."

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 18 constitution of the United States, that the court was
 19 without jurisdiction to impose the sentence, or that the
 20 sentence was in excess of the maximum authorized by law or
 21 is otherwise subject to collateral attack upon any ground of
 22 alleged error available under a writ of habeas corpus, writ
 23 of coram nobis, or other common law or statutory remedy may
 24 petition the court which imposed the sentence ~~or~~ the
 25 supreme court, ~~or any justice of the supreme court~~ to

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 17 supporting memorandum including appropriate arguments and
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20 Section 4. Section 46-21-105, MCA, is amended to read:
 21 "46-21-105. What grounds for relief waived if not
 22 raised. All grounds for relief claimed by a petitioner under
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8 Section 5. Section 46-21-201, MCA, is amended to read:

9 "46-21-201. Proceedings on the petition. (1) Unless
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 16 Following its review of the responsive pleading, the court
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7 Section 6. Section 46-21-203, MCA, is amended to read:

8 "46-21-203. Review. Either the petitioner or the state
 9 may appeal to the supreme court of Montana from an order
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 20 attack the validity of the conviction of a person who has
 21 been adjudged guilty of an offense in a court of record and
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-End-

Approved by Committee on Judiciary

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4 Bennett

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