

House Bill 817

In The House

Febraury 20, 1981

Introduced and referred  
to Committee on Judiciary.

April 23, 1981

Died in Committee.

1                                    HOUSE    BILL NO.   817  
2    INTRODUCED BY M. A. B. \_\_\_\_\_

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT THE LAW  
5    DOES NOT REQUIRE RELEASE ON HIS OWN RECOGNIZANCE OF A  
6    DEFENDANT ALLEGING INDIGENCY IF THE COURT HAS DETERMINED  
7    THAT BAIL IS NECESSARY; AMENDING SECTION 46-9-301, MCA."

8  
9    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10        Section 1. Section 46-9-301, MCA, is amended to read:

11        "46-9-301. Determining the amount of bail. (1) In all  
12    cases that bail is determined to be necessary, bail must be  
13    reasonable in amount and the amount shall be:

14        (1)(a) sufficient to assure compliance with the  
15    conditions set forth in the bail;

16        (2)(b) not oppressive;

17        (3)(c) commensurate with the nature of the offense  
18    charged;

19        (4)(d) considerate of the financial ability of the  
20    accused;

21        (5)(e) considerate of the defendant's prior record,  
22    employment status, and family background.

23        ~~(2) Nothing in this section requires that a defendant~~  
24    ~~alleging indigency be released on his own recognizance if~~  
25    ~~the court has determined that bail is necessary."~~

-End-

INTRODUCED BILL  
HIB 817