

SENATE BILL 103

Introduced by Jergeson, et al.

1/13	Introduced
1/13	Referred to Judiciary
1/18	Hearing
1/21	Committee Report--Bill Passed as Amended
1/25	2nd Reading Passed as Amended
1/27	3rd Reading Passed

Transmitted to House

2/21	Referred to Judiciary
2/28	Hearing
2/28	Tabled in Committee

1 *Senate* BILL NO. 143
2 INTRODUCED BY *Ferguson Long Yellowstone*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT A PERSON
5 FROM RECOVERING CIVIL DAMAGES FOR INJURIES SUSTAINED WHILE
6 THE PERSON IS ATTEMPTING TO COMMIT, IS COMMITTING, OR IS
7 FLEEING FROM A FELONY."

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

10 NEW SECTION. **Section 1.** Limitation on civil recovery
11 by felons. A person may not bring or recover damages in a
12 civil action for injuries sustained while the person is
13 attempting to commit, is committing, or is fleeing from a
14 felony, as defined in 45-2-101.

-End-

INTRODUCED BILL
SB 103



APPROVED BY COMMITTEE
ON JUDICIARY

1 SENATE BILL NO. 103
2 INTRODUCED BY JERGESON, STANG, YELLOWTAIL
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT A PERSON
5 FROM RECOVERING CIVIL DAMAGES FOR INJURIES SUSTAINED WHILE
6 THE PERSON IS ATTEMPTING TO COMMIT, IS COMMITTING, OR IS
7 FLEEING FROM AN ATTEMPT TO COMMIT OR THE COMMISSION OF A
8 FELONY."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11
12 NEW SECTION. **Section 1.** Limitation on civil recovery
13 by felons. A person may not bring or recover damages in a
14 civil action for injuries sustained while the person is
15 attempting to commit, is committing, or is fleeing from AN
16 ATTEMPT TO COMMIT OR THE COMMISSION OF a felony, as defined
17 in 45-2-101.

-End-

SECOND READING

SB 103



1 SENATE BILL NO. 103
2 INTRODUCED BY JERGESON, STANG, YELLOWTAIL
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT A PERSON
5 CONVICTED FELON UNDER STATE SUPERVISION FROM RECOVERING
6 CIVIL DAMAGES FOR INJURIES SUSTAINED WHILE THE PERSON ~~IS~~ WAS
7 ATTEMPTING TO COMMIT, ~~IS~~ WAS COMMITTING, OR ~~IS~~ WAS FLEEING
8 FROM AN ATTEMPT TO COMMIT OR THE COMMISSION OF A FELONY; AND
9 AMENDING SECTIONS 27-2-401 AND 46-18-801, MCA."

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

(Refer to Second Reading Bill)

13 Strike everything after the enacting clause and insert:

14 **Section 1.** Section 27-2-401, MCA, is amended to read:

15 "27-2-401. When person entitled to bring action is

16 under a disability. (1) ~~ff~~ Except as provided in 46-18-801,

17 if a person entitled to bring an action mentioned in part 2,

18 except 27-2-211(3), is, at the time the cause of action

19 accrues, either a minor, seriously mentally ill, or

20 imprisoned on a criminal charge or under a sentence for a

21 term less than for life, the time of such disability is not

22 a part of the time limited for commencing the action.

23 However, the time so limited cannot be extended more than 5

24 years by any such disability except minority.

25 (2) If an action is barred by 27-2-304, any of the

1 heirs, devisees, or creditors who at the time of the
2 transaction upon which the action might have been founded
3 was under one of the disabilities mentioned in subsection
4 (1) may, within 5 years after the cessation of such
5 disability, maintain an action to recover damages. In such
6 action he may recover such sum or the value of such property
7 as he would have received upon the final distribution of the
8 estate if an action had been seasonably commenced by the
9 personal representative.

10 (3) No person may avail himself of a disability unless
11 it existed when his right of action or entry accrued.

12 (4) When two or more disabilities coexist at the time
13 the right of action or entry accrues, the limitation does
14 not attach until all are removed."

15 **Section 2.** Section 46-18-801, MCA, is amended to read:

16 "46-18-801. Effect of conviction -- civil

17 disabilities. (1) Conviction Except as provided in

18 subsection (3), conviction of any offense shall not deprive

19 the offender of any civil or constitutional rights except as

20 they shall be specifically enumerated by the sentencing

21 judge as necessary conditions of the sentence directed

22 toward the objectives of rehabilitation and the protection

23 of society.

24 (2) No Except as provided in subsection (3), no person
25 shall suffer any civil or constitutional disability not



1 specifically included by the sentencing judge in his order
2 of sentence.

3 (3) A person convicted of a felony offense may not,
4 while under any form of state supervision, bring or recover
5 damages in a civil action for injuries sustained while he
6 was attempting to commit, was committing, or was fleeing
7 from an attempt to commit or the commission of a felony, as
8 defined in 45-2-101.

9 (3)(4) When a person has been deprived of any of his
10 civil or constitutional rights by reason of conviction for
11 an offense and his sentence has expired or he has been
12 pardoned, he shall be restored to all civil rights and full
13 citizenship, the same as if such conviction had not
14 occurred."

-End-