

SENATE BILL 265

Introduced by Rye

1/27	Introduced
1/27	Referred to Judiciary
1/27	First Reading
2/08	Hearing
2/15	Tabled in Committee

1 Senate BILL NO. 265
2 INTRODUCED BY Alger
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
5 CONVICTED FELON CANNOT, WHILE UNDER STATE OR COUNTY
6 SUPERVISION, SUE FOR DAMAGES SUSTAINED WHILE THE FELON WAS
7 COMMITTING, ATTEMPTING TO COMMIT, OR FLEEING FROM THE
8 COMMISSION OF OR AN ATTEMPT TO COMMIT AN OFFENSE; AND
9 AMENDING SECTIONS 27-2-401 AND 46-18-801, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

13 "27-2-401. When person entitled to bring action is
14 under a disability. (1) If Except as provided in 46-18-801,
15 if a person entitled to bring an action mentioned in part 2,
16 except 27-2-211(3), is, at the time the cause of action
17 accrues, either a minor, seriously mentally ill, or
18 imprisoned on a criminal charge or under a sentence for a
19 term less than for life, the time of such the disability is
20 not a part of the time limited for commencing the action.
21 However, the time so limited cannot be extended more than 5
22 years by any such disability except minority.

23 (2) If an action is barred by 27-2-304, any of the
24 heirs, devisees, or creditors who at the time of the
25 transaction upon which the action might have been founded

1 was under one of the disabilities mentioned in subsection
2 (1) may, within 5 years after the cessation of such the
3 disability, maintain an action to recover damages. In such
4 the action, he the recovery may recover-such be the sum or
5 the value of such the property as he the plaintiff would
6 have received upon the final distribution of the estate if
7 an action had been seasonably commenced by the personal
8 representative.

9 (3) No A person may not avail-himself make use of a
10 disability unless it existed when his the person's right of
11 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 disabilities.

17 (1) Conviction Except as provided in subsection (3),
18 conviction of any offense shall does not deprive the
19 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), a person
25 shall does not suffer any civil or constitutional disability

1 not specifically included by the sentencing judge in ~~his~~ the
2 judge's order of sentence.

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

9 ~~(3)~~(4) When Except as provided in 27-2-401, when a
10 person has been deprived of any of--his civil or
11 constitutional rights by reason of conviction for an offense
12 and his the person's sentence has expired or he the person
13 has been pardoned, he the person shall-be is restored to all
14 civil rights and full citizenship, the same as if such the
15 conviction had not occurred."

-End-