

SENATE BILL NO. 165

2 INTRODUCED BY HILLESTAD

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A DEADLINE FOR THE FILING OF AN AMENDED
5 PETITION FOR POSTCONVICTION RELIEF; CLARIFYING THAT ONLY ONE AMENDED PETITION MAY BE
6 FILED; AND AMENDING SECTION 46-21-105, MCA."

7

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

9

10 **Section 1.** Section 46-21-105, MCA, is amended to read:

11 "46-21-105. Waiver Amendment of petition -- waiver of grounds for relief. (1) All grounds for relief
12 claimed by a petitioner under 46-21-101 must be raised in the original or amended petition. The original
13 petition may be amended only once. At the request of the state, the court shall set a deadline for the filing
14 of the amended petition. If a hearing will be held, the deadline must be reasonably in advance of the
15 hearing but may not be less than 30 days prior to the date of the hearing. Those grounds for relief not
16 raised in the original or amended petition are waived unless the court on hearing a subsequent petition finds
17 grounds for relief that could not reasonably have been raised in the original or amended petition.

18 (2) When a petitioner has been afforded a direct appeal of the petitioner's conviction, grounds for
19 relief that could reasonably have been raised on direct appeal may not be raised in the original or amended
20 petition."

21

-END-



SB165
INTRODUCED BILL

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0165, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing a deadline for the filing of an amended petition for postconviction relief.

ASSUMPTIONS:

1. The bill will have no fiscal impact on the Department of Justice or other state agencies.

FISCAL IMPACT:

None

Dave Lewis 1-20-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

GARY AKLESTAD 1-21-95

GARY AKLESTAD, PRIMARY SPONSOR DATE

Fiscal Note for SB0165, as introduced

SB 165

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