

SENATE BILL NO. 165

INTRODUCED BY ALLESTAD

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

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

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

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

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

-END-

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

 1-20-95

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

 1-21-95

GARY AKLESTAD, PRIMARY SPONSOR DATE

Fiscal Note for SB0165, as introduced

SB 165

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