

INTRODUCED BY Van Vollenhoven SENATE BILL NO. 175

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM PROSECUTION FOR
5 STATEMENTS MADE BY PERSONS PARTICIPATING IN SEXUAL OFFENDER TREATMENT PROGRAMS
6 AFTER CONVICTIONS FOR SEXUAL OFFENSES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
7 AN APPLICABILITY DATE."

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

10
11 **NEW SECTION.** **Section 1. Sexual offender treatment -- immunity.** A person who participates in
12 a sexual offender treatment program as a result of a conviction of a sexual offense, as defined in
13 46-23-502, is granted use-derivative immunity from prosecution for statements made during treatment.
14 A statement made during treatment and any evidence or information derived from the statement may not
15 be used directly or indirectly in a subsequent criminal proceeding against the person.

17 **NEW SECTION.** **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 45, chapter 5, part 5, and the provisions of Title 45, chapter 5, part 5, apply to
19 [section 1].

21 **NEW SECTION.** **Section 3. Applicability.** [This act] applies to statements made on or after [the
22 effective date of this act], regardless of the date of the offense to which the statement relates.

24 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

-END-



1

SENATE BILL NO. 175

2 INTRODUCED BY

Van Vollenburg

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM PROSECUTION FOR
5 STATEMENTS MADE BY PERSONS PARTICIPATING IN SEXUAL OFFENDER TREATMENT PROGRAMS
6 AFTER CONVICTIONS FOR SEXUAL OFFENSES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
7 AN APPLICABILITY DATE."

8

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

10

11 **NEW SECTION.** **Section 1. Sexual offender treatment -- immunity.** A person who participates in
12 a sexual offender treatment program as a result of a conviction of a sexual offense, as defined in
13 46-23-502, is granted use-derivative immunity from prosecution for statements made during treatment.
14 A statement made during treatment and any evidence or information derived from the statement may not
15 be used directly or indirectly in a subsequent criminal proceeding against the person.

16

17 **NEW SECTION.** **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 45, chapter 5, part 5, and the provisions of Title 45, chapter 5, part 5, apply to
19 [section 1].

20

21 **NEW SECTION.** **Section 3. Applicability.** [This act] applies to statements made on or after [the
22 effective date of this act], regardless of the date of the offense to which the statement relates.

23

24 **NEW SECTION.** **Section 4. Effective date.** [This act] is effective on passage and approval.

25

-END-

1

2 INTRODUCED BY

BILL NO. 175

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM PROSECUTION FOR
5 STATEMENTS MADE BY PERSONS PARTICIPATING IN SEXUAL OFFENDER TREATMENT PROGRAMS
6 AFTER CONVICTIONS FOR SEXUAL OFFENSES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
7 AN APPLICABILITY DATE."

8

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

10

11 **NEW SECTION.** **Section 1. Sexual offender treatment -- immunity.** A person who participates in
12 a sexual offender treatment program as a result of a conviction of a sexual offense, as defined in
13 46-23-502, is granted use-derivative immunity from prosecution for statements made during treatment.
14 A statement made during treatment and any evidence or information derived from the statement may not
15 be used directly or indirectly in a subsequent criminal proceeding against the person.

16

17 **NEW SECTION.** **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 45, chapter 5, part 5, and the provisions of Title 45, chapter 5, part 5, apply to
19 [section 1].

20

21 **NEW SECTION.** **Section 3. Applicability.** [This act] applies to statements made on or after [the
22 effective date of this act], regardless of the date of the offense to which the statement relates.

23

24 **NEW SECTION.** Section 4. Effective date. [This act] is effective on passage and approval.

25

-END-



- 1 -

58175

THIRD READING