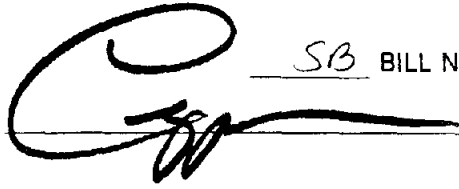


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SB BILL NO. 196  


INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEFENSE OF NECESSITY WHEN AN INDIVIDUAL ACTS TO PREVENT THE DEATH OF OR SERIOUS BODILY HARM TO ANOTHER; AMENDING SECTION 45-2-212, MCA; AND PROVIDING AN APPLICABILITY DATE."

WHEREAS, in State v. Close, 267 Mont. 44 (1994), concurring opinions pointed out that section 45-2-212, MCA, eliminated the common-law defense of necessity.

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

**Section 1.** Section 45-2-212, MCA, is amended to read:

**"45-2-212. Compulsion -- necessity.** A person is not guilty of an offense, other than an offense punishable with death, by reason of conduct ~~which he~~ that the person performs under the compulsion of threat or menace of the imminent infliction of death or serious bodily harm if ~~he~~ the person reasonably believes that death or serious bodily harm will be inflicted upon ~~him~~ the person or another if ~~he~~ the person does not perform ~~such~~ the conduct."

**NEW SECTION. Section 2. Applicability.** [Section 1] applies to causes of action arising on or after [the effective date of this act].

-END-