

## 1 SENATE BILL NO. 426

2 INTRODUCED BY M. HALLIGAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A COURT MAY AUTHORIZE A PRETRIAL  
5 SERVICES AGENCY TO ARREST A PERSON FOR FAILING TO COMPLY WITH A CONDITION OF RELEASE;  
6 DEFINING "PRETRIAL SERVICES AGENCY"; AMENDING SECTION 46-9-505, MCA; AND PROVIDING AN  
7 IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 46-9-505, MCA, is amended to read:

12 **"46-9-505. Issuance of arrest warrant -- redetermining bail -- DEFINITION.** (1) Upon failure to comply  
13 with any condition of a bail or recognizance, the court having jurisdiction at the time of the failure may,  
14 in addition to any other action provided by law, issue a warrant for the arrest of the person.

15 (2) On verified application by the prosecutor setting forth facts or circumstances constituting a  
16 breach or threatened breach of any of the conditions of the bail or a threat or an attempt to influence the  
17 pending proceeding, the court may issue a warrant for the arrest of the defendant.

18 (3) If the defendant has been released under the supervision of a pretrial services agency, referred  
19 to in 46-9-108(1)(f), an officer of that agency may arrest the defendant without a warrant or may deputize  
20 any other officer with power of arrest to arrest the defendant by giving the officer oral authorization and  
21 within 12 hours delivering to the place of detention a VERIFIED written statement setting forth that the  
22 defendant has, in the judgment of the officer, violated the conditions of the defendant's release. An oral  
23 authorization delivered with the defendant by the arresting officer to the official in charge of a county  
24 detention center or other place of detention is a sufficient warrant for detention of the defendant if the  
25 pretrial officer delivers a VERIFIED written statement within 12 hours of the defendant's arrest.

26 ~~(3)~~(4) Upon the arrest, the defendant must be brought before the court without unnecessary delay  
27 and the court shall conduct a hearing and determine bail in accordance with 46-9-311.

28 (5) AS USED IN THIS SECTION, "PRETRIAL SERVICES AGENCY" MEANS A GOVERNMENT AGENCY OR A PRIVATE  
29 ENTITY UNDER CONTRACT WITH A LOCAL GOVERNMENT WHOSE EMPLOYEES HAVE THE MINIMUM TRAINING REQUIRED IN  
30 46-23-1003 AND THAT IS DESIGNATED BY A DISTRICT COURT, JUSTICE'S COURT, MUNICIPAL COURT, OR CITY COURT

1 TO PROVIDE SERVICES PENDING A TRIAL."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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