

1 HOUSE BILL NO. 24

2 INTRODUCED BY GOLIE

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A STATEMENT, AFFIRMATION, GESTURE,
 6 OR CONDUCT EXPRESSING APOLOGY, ~~FAULT~~, SYMPATHY, COMMISERATION, CONDOLENCE,
 7 COMPASSION, OR BENEVOLENCE RELATING TO THE PAIN, SUFFERING, OR DEATH OF A PERSON
 8 THAT IS MADE TO THE PERSON, THE PERSON'S FAMILY, OR A FRIEND OF THE PERSON OR OF THE
 9 PERSON'S FAMILY IS INADMISSIBLE ~~AS EVIDENCE OF AN ADMISSION OF LIABILITY FOR ANY PURPOSE~~
 10 IN A CIVIL ACTION FOR MEDICAL MALPRACTICE; AND PROVIDING AN EFFECTIVE DATE AND AN
 11 APPLICABILITY DATE."

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

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 15 NEW SECTION. **Section 1. Statement of apology, sympathy, or benevolence -- not admissible**
 16 **as evidence of admission of liability for medical malpractice.** (1) A statement, affirmation, gesture, or
 17 conduct expressing apology, ~~fault~~, sympathy, commiseration, condolence, compassion, or a general sense of
 18 benevolence relating to the pain, suffering, or death of a person that is made to the person, the person's family,
 19 or a friend of the person or of the person's family is not admissible ~~as evidence of an admission of liability~~ FOR
 20 ANY PURPOSE in a civil action for medical malpractice.

21 (2) As used in this section, the following definitions apply:
 22 (a) "Apology" means a communication that expresses regret ~~or asks for a pardon for a fault or offense.~~
 23 (b) "Benevolence" means a communication that conveys a sense of compassion or commiseration
 24 emanating from humane impulses.
 25 (c) "Communication" means a statement, writing, or gesture.
 26 (d) "Family" means the spouse, parent, spouse's parent, grandparent, stepmother, stepfather, child,
 27 grandchild, sibling, half-sibling, or adopted children of a parent of an injured party.

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 29 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
 30 integral part of Title 26, chapter 1, and the provisions of Title 26, chapter 1, apply to [section 1].

