1	HOUSE BILL NO. 698
2	INTRODUCED BY A. BUCKLEY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING WHEN A DEFENDANT RELEASED PRETRIAL MAY BE
5	CHARGED CERTAIN FEES OR COSTS; AND AMENDING SECTION 46-9-108, MCA."
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7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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9   NEW SECTION. **Section 1.   Limitation on costs and fees for indigent defendant.** If a defendant

10   qualifies under 47-1-111 for public defender services and is released pretrial, the defendant may not be

11   required to pay a fee or costs for an electronic monitoring device used to monitor the defendant pretrial or a fee

12   for pretrial supervision services.

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14   **Section 2.** Section 46-9-108, MCA, is amended to read:

15   "**46-9-108.   Conditions upon defendant's release -- notice to victim of stalker's release.** (1) ~~The~~

16   Except as provided in [section 1], the court may impose any condition that will reasonably ensure the

17   appearance of the defendant as required or that will ensure the safety of any person or the community,

18   including but not limited to the following conditions:

19   (a)   the defendant may not commit an offense during the period of release;

20   (b)   the defendant shall remain in the custody of a designated person who agrees to supervise the

21   defendant and report any violation of a release condition to the court, if the designated person is reasonably

22   able to assure the court that the defendant will appear as required and will not pose a danger to the safety of

23   any person or the community;

24   (c)   the defendant shall maintain employment or, if unemployed, actively seek employment;

25   (d)   the defendant shall abide by specified restrictions on the defendant's personal associations, place

26   of abode, and travel;

27   (e)   the defendant shall avoid all contact with:

28   (i)   an alleged victim of the crime, including in a case of partner or family member assault or

1   strangulation of a partner or family member the restrictions contained in a no contact order issued under 45-5-

2   209; and

3   (ii) any potential witness who may testify concerning the offense;

4   (f)   the defendant shall report on a regular basis to a designated agency or individual, pretrial services

5   agency, or other appropriate individual;

6   (g)   the defendant shall comply with a specified curfew;

7   (h)   the defendant may not possess a firearm, destructive device, or other dangerous weapon;

8   (i)   the defendant may not use or possess alcohol or use or possess any dangerous drug or other

9   controlled substance without a legal prescription;

10   (j)   if applicable, the defendant shall comply with either a mental health or chemical dependency

11   treatment program, or both;

12   (k)   the defendant shall furnish bail in accordance with 46-9-401; or

13   (l)   the defendant shall return to custody for specified hours following release from employment,

14   schooling, or other approved purposes.

15   (2)   The court may not impose an unreasonable condition that results in pretrial detention of the

16   defendant and shall subject the defendant to the least restrictive condition or combination of conditions that will

17   ensure the defendant's appearance and provide for protection of any person or the community. At any time, the

18   court may, upon a reasonable basis, amend the order to impose additional or different conditions of release

19   upon its own motion or upon the motion of either party.

20   (3)   Whenever a person accused of a violation of 45-5-206, 45-5-215, 45-5-220, or 45-5-626 is

21   admitted to bail, the detention center shall, as soon as possible under the circumstances, make one and if

22   necessary more reasonable attempts, by means that include but are not limited to certified mail, to notify the

23   alleged victim or, if the alleged victim is a minor, the alleged victim's parent or guardian of the accused's

24   release."

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26   NEW SECTION. **Section 3.   Codification instruction.** [Section 1] is intended to be codified as an

27   integral part of Title 46, chapter 9, part 1, and the provisions of Title 46, chapter 9, part 1, apply to [section 1].

28   - END -

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