

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO NAME CHANGE PETITIONS BY
5 A PERSON WHO IS UNDER THE SUPERVISION OR CUSTODY OF THE DEPARTMENT OF
6 CORRECTIONS; AND AMENDING SECTION 27-31-201, MCA."

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

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10 **Section 1.** Section 27-31-201, MCA, is amended to read:

11 **"27-31-201. Order setting hearing date -- notice -- safety.** (1) When a petition setting out the
12 matters contained in 27-31-101 or 27-31-102 is filed, the court or judge may appoint a time for hearing the
13 petition. Except as provided in subsections (2) and (3), notice of the time and place of hearing the petition must
14 be published for 4 successive weeks in some newspaper published in the county, if a newspaper is printed in
15 the county. If a newspaper is not printed in the county, a copy of the notice must be posted in at least three
16 public places in the county for 4 successive weeks.

17 (2) Publication is not required for a change of name of a minor under 27-31-101 if both parents and all
18 legal guardians consent in writing.

19 (3) The court may allow a petition to proceed on a sealed-record basis when probable cause is shown
20 that the safety of the petitioner is at risk and the judge is satisfied that the petitioner is not attempting to avoid
21 debt or to hide a criminal record. The request to proceed on a sealed-record basis must be set forth in the
22 petition. All papers and records pertaining to the sealed-record petition must be kept as a permanent record of
23 the court and withheld from inspection unless the judge denies the request to proceed on a sealed-record
24 basis. ~~A-Except as provided in subsections (4) and (5), a person, other than the petitioner, may not have~~
25 access to the records except for good cause shown and on order of the judge of the court in which the petition
26 was granted.

27 (4) When a petitioner is committed to or under the supervision of the department of corrections or is
28 incarcerated in a state prison as defined in 53-30-101(3)(c), the petitioner shall serve the petition on the

1 department. A court shall provide reasonable opportunity for the department to appear and provide a response
2 to the petition.

3 (5) If the court grants a petition filed by a person committed to or under the supervision of the
4 department of corrections or incarcerated in a state prison as defined in 53-30-101(3)(c), the court shall
5 authorize the department of corrections and the department of justice to maintain and disseminate the
6 petitioner's records in a manner that ensures performance of duties required by offender registration statutes,
7 testing and collection of biological samples, victim notification, or other disclosures or notices required by law."

8 - END -