

HOUSE BILL NO. 53
INTRODUCED BY B. NEWMAN

A BILL FOR AN ACT ENTITLED: "AN ACT SUBSTITUTING THE DETENTION CENTER FOR THE COURT AS THE ENTITY THAT MUST NOTIFY THE VICTIM WHEN A PERSON ACCUSED OF A VIOLATION OF SECTION 45-5-206, 45-5-220, OR 45-5-626, MCA, IS ADMITTED TO BAIL; AND AMENDING SECTION 46-9-108, MCA."

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

Section 1. Section 46-9-108, MCA, is amended to read:

"46-9-108. Conditions upon defendant's release -- notice to victim of stalker's release. (1) The court may impose any condition that will reasonably ensure the appearance of the defendant as required or that will ensure the safety of any person or the community, including but not limited to the following conditions:

- (a) the defendant may not commit an offense during the period of release;
- (b) the defendant shall remain in the custody of a designated person who agrees to supervise the defendant and report any violation of a release condition to the court, if the designated person is reasonably able to assure the court that the defendant will appear as required and will not pose a danger to the safety of any person or the community;
- (c) the defendant shall maintain employment or, if unemployed, actively seek employment;
- (d) the defendant shall abide by specified restrictions on the defendant's personal associations, place of abode, and travel;
- (e) the defendant shall avoid all contact with an alleged victim of the crime and any potential witness who may testify concerning the offense;
- (f) the defendant shall report on a regular basis to a designated agency or individual, pretrial services agency, or other appropriate individual;
- (g) the defendant shall comply with a specified curfew;
- (h) the defendant may not possess a firearm, destructive device, or other dangerous weapon;
- (i) the defendant may not use or possess alcohol; or use or possess any dangerous drug or other controlled substance without a legal prescription;
- (j) the defendant shall furnish bail in accordance with 46-9-401; or
- (k) the defendant shall return to custody for specified hours following release from employment,

schooling, or other approved purposes.

(2) The court may not impose an unreasonable condition that results in pretrial detention of the defendant and shall subject the defendant to the least restrictive condition or combination of conditions that will ensure the defendant's appearance and provide for protection of any person or the community. At any time, the court may, upon a reasonable basis, amend the order to impose additional or different conditions of release upon its own motion or upon the motion of either party.

(3) Whenever a person accused of a violation of 45-5-206, 45-5-220, or 45-5-626 is admitted to bail, the ~~court~~ detention center shall, as soon as possible under the circumstances, make one and if necessary more reasonable attempts, by means that include but are not limited to certified mail, to notify the alleged victim or, if the alleged victim is a minor, the alleged victim's parent or guardian of the accused's release."

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