

HOUSE BILL NO. 246
INTRODUCED BY HARRIS

A BILL FOR AN ACT ENTITLED: "~~AN ACT REQUIRING A PEACE OFFICER MAKING AN ARREST TO GIVE THE ARRESTED WHO IS ABOUT TO INTERROGATE A PERSON WHO IS IN CUSTODY TO GIVE THE PERSON THE MIRANDA WARNING; AND AMENDING SECTIONS 46-6-216 AND 46-6-312, MCA.~~"

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. **Section 1. Miranda warning prior to custodial interrogation.** Before interrogating a person who is in custody, a peace officer shall inform the person that the person has the right to remain silent, that anything the person says can be used against the person in a court of law, that the person has the right to speak to an attorney and to have an attorney present during any questioning, and that if the person cannot afford an attorney, one will be provided for the person at no cost to the person. A person who is stopped under 46-5-401 and 46-5-402 is not in custody unless the stop goes beyond the purposes of those sections.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 46, chapter 6, part 1, and the provisions of Title 46 apply to [section 1].

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