

SENATE BILL NO. 219

INTRODUCED BY J. TAYLOR, D. MORTENSEN, N. SWANDAL

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTOMATIC DISMISSAL OF CHARGES FOLLOWING COMPLETION OF A DEFERRED IMPOSITION OF SENTENCE FOR A FELONY CONVICTION; AMENDING SECTION 46-18-204, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**Section 1.** Section 46-18-204, MCA, is amended to read:

**"46-18-204. Dismissal after deferred imposition.** (1) Whenever the court has deferred the imposition of sentence and after termination of the time period during which imposition of sentence has been deferred or upon termination of the time remaining on a deferred sentence under 46-18-208;

(A) ~~FOR A FELONY CONVICTION, upon motion of the court, the defendant, or the defendant's attorney, the court may allow the defendant to withdraw a plea of guilty or nolo contendere or may shall~~ strike the verdict of guilty from the record and order that the charge or charges against the defendant be dismissed provided that a petition for revocation under 46-18-203 has not been filed; OR

(B) FOR A MISDEMEANOR CONVICTION, UPON MOTION OF THE COURT, THE DEFENDANT, OR THE DEFENDANT'S ATTORNEY, THE COURT MAY ALLOW THE DEFENDANT TO WITHDRAW A PLEA OF GUILTY OR NOLO CONTENDERE OR MAY STRIKE THE VERDICT OF GUILTY FROM THE RECORD AND ORDER THAT THE CHARGE OR CHARGES AGAINST THE DEFENDANT BE DISMISSED.

(2) A copy of the order of dismissal must be sent to the prosecutor and the department of justice, accompanied by a form prepared by the department of justice and containing identifying information about the defendant. After the charge is dismissed, all records and data relating to the charge are confidential criminal justice information, as defined in 44-5-103, and public access to the information may be obtained only by district court order upon good cause shown."

NEW SECTION. **Section 2. Applicability.** [This act] applies to cases filed after [the effective date of this act].

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