Amendment - 1st Reading/2nd House-blue - Requested by: Jen Gross - (S) Judiciary		
- 2023 68th Le	egislature 2023	Drafter: Julianne Burkhardt, 406-444-4025 HB0661.002.001
1		HOUSE BILL NO. 661
2		INTRODUCED BY K. SEEKINS-CROWE
3		
4	A BILL FOR A	N ACT ENTITLED: "AN ACT REVISING PUBLIC SAFETY LAWS; ALLOWING A COURT TO
5	USE THE RES	SULTS OF A DANGEROUSNESS OR LETHALITY ASSESSMENT WHEN CONSIDERING THE
6	RELEASE OR	DETENTION OF CERTAIN DEFENDANTS; AND AMENDING SECTION 46-9-109, MCA."
7		
8	BE IT ENACTE	ED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9		
10	Sectio	n 1. Section 46-9-109, MCA, is amended to read:
11	"46-9- ⁻	109. Release or detention hearing. (1) The release or detention of the defendant must be
12	determined im	mediately upon the defendant's initial appearance.
13	(2)	In determining whether the defendant should be released or detained, the court may use a
14	validated pretri	al risk assessment tool and shall take into account the available information concerning:
15	(a)	the nature and circumstances of the offense charged, including whether the offense involved
16	the use of force	e or violence;
17	(b)	the history and characteristics of the defendant, including:
18	(i)	the defendant's character, physical and mental condition, family ties, employment, financial
19	resources, length of residence in the community, community ties, past conduct, history relating to alcohol or	
20	drug abuse, criminal history, and record concerning the appearance at court proceedings; and	
21	(ii)	whether at the time of the current arrest or offense, the defendant was on probation, on parole,
22	or on other rele	ease pending trial, sentencing, appeal, or completion of sentencing for an offense;
23	(c)	the nature and seriousness of the danger to any person or the community that would be posed
24	by the defenda	int's release; and
25	(d)	the property available as collateral for the defendant's release to determine if it will reasonably
26	ensure the app	pearance of the defendant as required <u>; and</u>
27	<u>(e)</u>	for a defendant charged with a violation of 45-5-202, 45-5-206, 45-5-213, or 45-5-215 against
28	an intimate par	tner, a peer-reviewed dangerousness or lethality assessment IF IT IS AVAILABLE TO THE COURT.
I	Legislativ Services Divisio	

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- 1 (3) Upon the motion of any party or the court, a hearing may be held to determine whether bail is
- 2 established in the appropriate amount or whether any other condition or restriction upon the defendant's release
- 3 will reasonably ensure the appearance of the defendant and the safety of any person or the community."
- 4

- END -

