

HOUSE BILL NO. 661

INTRODUCED BY K. SEEKINS-CROWE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC SAFETY LAWS; ALLOWING A COURT TO USE THE RESULTS OF A DANGEROUSNESS OR LETHALITY ASSESSMENT WHEN CONSIDERING THE RELEASE OR DETENTION OF CERTAIN DEFENDANTS; AND AMENDING SECTION 46-9-109, MCA."

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

Section 1. Section 46-9-109, MCA, is amended to read:

"46-9-109. Release or detention hearing. (1) The release or detention of the defendant must be determined immediately upon the defendant's initial appearance.

(2) In determining whether the defendant should be released or detained, the court may use a validated pretrial risk assessment tool and shall take into account the available information concerning:

(a) the nature and circumstances of the offense charged, including whether the offense involved the use of force or violence;

(b) the history and characteristics of the defendant, including:

(i) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to alcohol or drug abuse, criminal history, and record concerning the appearance at court proceedings; and

(ii) whether at the time of the current arrest or offense, the defendant was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentencing for an offense;

(c) the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; ~~and~~

(d) the property available as collateral for the defendant's release to determine if it will reasonably ensure the appearance of the defendant as required; and

(e) for a defendant charged with a violation of 45-5-202, 45-5-206, 45-5-213, or 45-5-215 against an intimate partner, a dangerousness or lethality assessment IF IT IS AVAILABLE TO THE COURT.

