repayment of the initial loan advance, exclusive of any charges, within the maximum term set forth for other loans of the same amount in 32-5-302(1)."

Section 7. Section 32-5-505, MCA, is amended to read:

"**32-5-505. Security.** A holder of a supplementary license may take a security interest in personal property to secure an open-end loan and may retain ~~any such~~ *the* security interest until the open-end account is terminated. A holder of a supplementary license may take a security interest in real property to secure an open-end loan and may retain ~~any such~~ *the* security interest until the open-end account is terminated~~; however~~. *However*, if there is no outstanding balance in the account and there is no commitment by the licensee to make additional advances, the licensee shall, within ~~10~~ *30* days following written request by the borrower, deliver to the borrower a release of the mortgage or a request for reconveyance of the deed of trust or trust indenture on any real property taken as security for a loan."

Section 8. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Approved April 23, 1997

CHAPTER NO. 375

[HB 111]

AN ACT GENERALLY REVISING THE LAWS RELATING TO THE IDENTIFICATION AND REGISTRATION OF SEXUAL AND VIOLENT OFFENDERS; PROVIDING FOR A SEXUALLY VIOLENT PREDATOR DESIGNATION; PROVIDING IMMUNITY FOR NEGLIGENCE; AMENDING SECTIONS 41-5-523, 44-6-101, 46-18-201, 46-23-501, 46-23-502, 46-23-503, 46-23-504, 46-23-505, 46-23-506, 46-23-507, AND 46-23-508, MCA; REPEALING SECTION 46-18-254, MCA; AND PROVIDING APPLICABILITY DATES.

WHEREAS, the Legislature finds that the danger of recidivism posed by sexual and violent offenders and the protection of the public from these offenders is of paramount concern to government and the people; and

WHEREAS, the Legislature further finds that law enforcement agencies' efforts to protect their communities, conduct investigations, and apprehend sexual and violent offenders is impaired by the lack of information about offenders who live within their jurisdictions; and

WHEREAS, the system of registering sexual and violent offenders provides law enforcement with information critical to preventing victimization and to resolving incidents of sexual or violent offenses promptly, including notification of the public when necessary to the continued protection of the community; and

WHEREAS, persons who have committed a sexual or violent offense have a reduced expectation of privacy because of the public's interest in safety; and

WHEREAS, the Legislature finds that releasing information about sexual or violent offenders to law enforcement agencies and, under certain circumstances,

providing access to limited information about certain sexual offenders to the general public will further the primary governmental interest of protecting specific vulnerable groups and the public in general from potential harm.

THEREFORE, it is the policy of the State of Montana to assist local law enforcement agencies' efforts in protecting their communities by requiring that sexual or violent offenders register and to authorize the release of necessary and relevant information about sex offenders to the public.

STATEMENT OF INTENT

A statement of intent is required for this bill in order to provide guidance for rules adopted under [section 12] concerning the qualifications of sexual offender evaluators and concerning evaluations of sexual offenders. The legislature intends that sexual offender evaluators possess education and experience similar to the education and experience requirements of therapists certified by the Montana sex offender treatment association. The legislature further intends that rules for evaluating the risk of repeat offenses by sexual offenders include the following factors:

(1) whether the sexual offender has a mental abnormality;

(2) whether the sexual offender's conduct is repetitive and compulsive;

(3) whether drugs or alcohol played a part in the offense or offenses;

(4) whether the sexual offender served the maximum term for the offense or offenses;

(5) whether the offense or offenses involved a child;

(6) the age of the sexual offender at the commission of the offense or offenses;

(7) the relationship between the sexual offender and the victim or victims;

(8) whether the offense or offenses involved use of a weapon;

(9) the number, date, and nature of prior offenses;

(10) conditions of release that minimize risk of another offense, including whether the sexual offender is under supervision or receiving counseling and treatment;

(11) physical conditions that minimize the risk of another offense, such as advanced age or debilitating illness of the sexual offender;

(12) whether psychological or psychiatric profiles of the sexual offender indicate a risk of recidivism;

(13) the sexual offender's response to and participation in treatment;

(14) recent behavior of the sexual offender;

(15) recent threats or gestures by the sexual offender against persons; and

(16) a review of any victim impact statements.