

SENATE BILL NO. 65

INTRODUCED BY S. VANCE

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CHANGE-OF-NAME LAWS; PROVIDING FOR DEPARTMENT OF CORRECTIONS AUTHORITY TO CONTACT VICTIMS WHEN RESPONDING TO CHANGE-OF-NAME PETITIONS; AND AMENDING SECTION 27-31-201, MCA."

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

Section 1. Section 27-31-201, MCA, is amended to read:

"27-31-201. Order setting hearing date -- notice -- safety. (1) When a petition setting out the matters contained in 27-31-101 or 27-31-102 is filed, the court or judge may appoint a time for hearing the petition. Except as provided in subsections (2) and (3), notice of the time and place of hearing the petition must be published for 4 successive weeks in some newspaper published in the county, if a newspaper is printed in the county. If a newspaper is not printed in the county, a copy of the notice must be posted in at least three public places in the county for 4 successive weeks.

(2) Publication is not required for a change of name of a minor under 27-31-101 if both parents and all legal guardians consent in writing.

(3) The court may allow a petition to proceed on a sealed-record basis when probable cause is shown that the safety of the petitioner is at risk and the judge is satisfied that the petitioner is not attempting to avoid debt or to hide a criminal record. The request to proceed on a sealed-record basis must be set forth in the petition. All papers and records pertaining to the sealed-record petition must be kept as a permanent record of the court and withheld from inspection unless the judge denies the request to proceed on a sealed-record basis. Except as provided in subsections (4) and (5), a person, other than the petitioner, may not have access to the records except for good cause shown and on order of the judge of the court in which the petition was granted.

(4) When a petitioner is committed to or under the supervision of the department of corrections or

1 is incarcerated in a state prison as defined in 53-30-101, the petitioner shall serve the petition on the
2 department. A court shall provide reasonable opportunity for the department to appear and provide a response
3 to the petition. The department ~~may~~ shall make all reasonable efforts to contact a victim as defined in 46-18-
4 243 to obtain information relevant to the department's response to the petition.

5 (5) If the court grants a petition filed by a person committed to or under the supervision of the
6 department of corrections or incarcerated in a state prison as defined in 53-30-101, the court shall authorize the
7 department of corrections and the department of justice to maintain and disseminate the petitioner's records in
8 a manner that ensures performance of duties required by offender registration statutes, testing and collection of
9 biological samples, victim notification, or other disclosures or notices required by law."

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