
(Your full name)

(Your mailing address)

(Your telephone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

<p>_____ (Your full name)</p> <p style="text-align: right;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>State of Montana,</p> <p style="text-align: right;">Respondent.</p>	<p>Cause No. _____</p> <p>PETITION TO RELIEVE SEX OFFENDER OF THE DUTY TO REGISTER</p>
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_____ petitions this Court to enter an order relieving
(Your full name)
him / her of the duty to register pursuant to Mont. Code Ann. § 46-23-506(3)(b) on the
(circle one)
basis that:

I am a Tier I sex offender and I have been registered for at least 10 years.

I am a Tier II sex offender and I have been registered for at least 25 years.

I have no Tier designation, but I have been registered for at least 10 years.

Furthermore, none of the following exceptions, found in Mont. Code Ann. § 46-23-506(5), which would prohibit me from petitioning for this relief apply to my case:

I was **not** convicted of a violation of Sexual Intercourse without Consent, in violation of Mont. Code Ann. § 45-5-503, where the victim was either under 12 years of age or compelled to submit by force against the victim or another. I understand that force is defined as the infliction, attempted infliction, or threatened infliction of bodily injury or the commission of a

forcible felony by the offender; or the threat of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat.

I was **not** convicted of Incest, in violation of Mont. Code Ann. § 45-5-507, where at the time the offense occurred the victim was under 12 years of age and I was 3 or more years older than the victim.

Since I was first required to register, I have **not** been convicted of a second or subsequent offense that requires registration.

I have **not** been designated as a sexually violent predator under Mont. Code Ann. § 46-23-509.

PROCEDURAL AND FACTUAL HISTORY

The following factual and procedural history is offered in support of this petition:

Petitioner's Name: _____

Petitioner's Date of Birth: _____

Crime(s) for which Petitioner is registered as a Sexual Offender:

Date of Conviction: _____

Date of Sentencing: _____

Sentencing Judge: _____

Tier Level Designation: _____

Date First Registered as Sex Offender: _____

Other: _____

I have attached the written Judgment wherein I am designated as a sex offender.

I have also attached the following: _____

APPLICABLE LEGAL AUTHORITY

Montana Code Annotated § 46-23-506(3)(b) provides:

“Except as provided in subsection (5), at any time after 10 years of registration for a level 1 sexual offender and at any time after 25 years of registration for a level 2 sexual offender, an offender may petition the sentencing court or the district court for the judicial district in which the offender resides for an order relieving the offender of the duty to register. The petition must be served on the county attorney in the county where the petition is filed. Prior to a hearing on the petition, the county attorney shall mail a copy of the petition to the victim of the last offense for which the offender was convicted if the victim's address is reasonably available. The court shall consider any written or oral statements of the victim. The court may grant the petition upon finding that:

- (i) the offender has remained a law-abiding citizen; and
- (ii) continued registration is not necessary for public protection and that relief from registration is in the best interests of society.”

ARGUMENT

The Petitioner requests that this Court find that he/she is a law abiding citizen because:

The Petitioner requests that this Court find that continued registration is not necessary for public protection and that relief from registration is in the best interests of society because:

Pursuant to Mont. Code Ann. § 46-23-506(4), Petitioner moves that all or part of the proceedings in a hearing for this matter be closed to the public for the following reason(s):

(Complete if applicable)

CONCLUSION

_____ requests that this Court hold a hearing on this matter,
(Your full name)
find that the Petitioner has remained a law-abiding citizen, find that continued registration is not necessary for public protection and that relief from registration is in the best interests of society, and grant the Petitioner relief from further registration as a sex Offender.

DATED this ____ day of _____, 20__.

(Petitioner Signature)

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Petition to Relieve Sex Offender from the Duty to Register to be mailed, first class postage prepaid, to:

(County Attorney in the County where Petition is Filed)

Dated: _____

(Petitioner/Sex Offender)