

The requirements and responsibilities of registration for violent offenders are explained in [Title 46 Chapter 23 Part 5](#) of the Montana Code Annotated.

Who can petition (46-23-506)?

There are two ways for violent offenders to petition for removal from the violent offender registry:

- *Mont. Code Ann. 46-23-506 (2)(a)-(b)*: Violent offenders who have registered for either 10 years following their confinement or 10 years following the sentencing hearing if not confined may petition the Court. In addition to the 10-year requirement, the violent offender must show they were not convicted during the 10-year period of 1) failure to register as a violent offender; 2) failure to keep registration current; or 3) of any felony crimes.
- *Mont. Code Ann. 46-23-506 (3)(b)*: Violent offenders who have registered for either 10 years following their confinement or 10 years following the sentencing hearing if not confined, but have been convicted of failing to register or keep registration current or of a felony, may still petition the Court. The Court may or may not grant the petition based on whether: 1) the offender has remained a law-abiding citizen; and 2) continued registration is not necessary for public protection and that relief from registration is in the best interests of society.

What words do I need to know?

- **Petitioner**- A Petitioner is someone who files an action in court. If you are asking the court to relieve you of registering as a violent offender, you are the Petitioner.

What forms will I need to petition the court for relief of registering? - Use these instructions and forms to petition to be relieved of registering as a violent offender. These forms cannot take the place of advice from a lawyer. Contact a lawyer if you have any questions. Follow the instructions below to fill out and file forms with the District Court.

- Petition Instructions
- Order Setting Hearing
- Petition for Relief Template
- Inability to Pay Form

The Petition asks the court to relieve you of registering as a violent offender and schedule a hearing. The Order setting Hearing will be filled out by the judge and will tell you when and where your hearing will be held.

Offender may or may not qualify to use the Inability to Pay Form to cover filing or copy fees. Follow the instructions on the link to fill out and submit to your court. For more information, please visit MontanaLawHelp.org

What do I do with the forms?

1. Fill out the Forms

- Fill out all the blanks on the Petition to Relieve Violent Offender of the Duty to Register.
- Sign and date your Petition to Relieve Violent Offender of the Duty to Register.
- Fill out the Judicial District, County, and caption on the Order Setting Hearing for Relief from Designation. Highlighted in example below:

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

<p>_____ <i>(Your full name)</i></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>ORDER SETTING HEARING ON PETITION FOR RELIEF FROM REGISTRATION (VIOLENT OFFENDER)</p>
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2. Make Copies

- Make one copy of each form after you have filled them out.

3. File Forms at the Courthouse

- Go to the Clerk of District Court’s office where you currently reside or where you were sentenced. File the original Petition to Relieve Violent Offender of the Duty to Register and Order Setting Hearing on Petition for Relief from Registration.
- Give the Clerk of Court a self-addressed stamped envelope. Ask for a copy of the Order Setting Hearing on Petition for Relief from Registration to be mailed to you after the judge signs it.

Give the Clerk of Court a stamped envelope addressed to the County Attorney where the petition is filed.

****Note-** there are filing fees and possibly fees for copies, this will vary by county. For assistance with filing fees, file the *Affidavit of Inability to Pay* form.

- Give your copies to the Clerk of Court and ask to have them stamped as “Filed”. Keep the copies in a safe place.

4. Go to your Hearing

- Bring your stamped copies of the documents you filed with the court.

- Arrive at the courthouse at least 15 minutes before your scheduled hearing. Dress like you were going to an important job interview.
- Check with the Clerk of Court's office to find the right courtroom for your hearing. Go to that courtroom and wait for the judge to call your name and case number. Remember to address the judge as "Your Honor."
- Important:** After you receive your signed Order Relieving you of registering as a violent offender, take the order to your local registering agency.

[Redacted]

(Your full name)

(Your mailing address)

[Redacted]

(Your telephone number)

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

<p>[Redacted] <i>(Your full name)</i> Petitioner,</p> <p>v.</p> <p>State of Montana,</p> <p>Respondent.</p>	<p>Cause No. _____</p> <p>PETITION TO RELIEVE VIOLENT OFFENDER OF THE DUTY TO REGISTER</p>
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[Redacted] 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)(a) on the
(circle one)
basis that:

I am a violent offender and was confined after sentencing. I have been registered for at least 10 years after release from confinement.

I am a violent offender and was not confined following sentencing. It has been at least 10 years since the conclusion of the sentencing hearing:

During the 10-year period of registration I have been convicted of *(indicate any which apply)*:

Failure to Register;

Failure to Keep Registration Current; and/or

a Felony offense.

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 Violent Offender:

Date of Conviction: _____

Date of Sentencing: _____

Sentencing Judge: _____

Date First Registered as Violent Offender: _____

Other: _____

I have attached the written Judgment wherein I am designated as a Violent Offender.

I have also attached the following: _____

APPLICABLE LEGAL AUTHORITY – MANDATORY RELEASE – No Hearing

Montana Code Annotated § 46-23-506(2)(a) provides:

“An offender required to register for 10 years under subsection (2)(a) may, after the 10 years have passed, 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. The petition must be granted if the defendant has not been convicted under subsection (2)(b).”

CONCLUSION

APPLICABLE LEGAL AUTHORITY –DISCRETIONARY RELEASE –

Hearing Required

“If convicted during the 10-year period provided in subsection (2)(a) of failing to register or keep registration current or of a felony, [the offender must register] for the remainder of the offender’s life unless relieved of the duty to register as provided in subsection (3)(b).”

Under subsection 3(b), the Court **may** grant the petition “upon finding:

- (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:

[Redacted area for argument]

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:

[Redacted area for argument]

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)
[Redacted area for argument]

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

<p>_____ <i>(Your full name)</i></p> <p>Petitioner,</p> <p>v.</p> <p>State of Montana,</p> <p>Respondent.</p>	<p>Cause No. _____</p> <p>ORDER SETTING HEARING ON PEITITON FOR RELIEF FROM REGISTRATION (VIOLENT OFFENDER)</p>
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Upon the Petitioner's Motion for Relief of Duty to Register as a Violent Offender, and good cause appearing, this Court hereby sets a hearing on the merits of the petition to be heard on the ____ day of _____, 20 ____, at _____.

Dated this ____ day of _____, 20__.

DISTRICT COURT JUDGE

CC: COUNTY ATTORNEY
PETITIONER