INSTRUCTIONS FOR FILING A PETITION FOR RELIEF FROM REGISTRATION PURSUANT TO MCA 46-23-506

To petition the Court to be released from the registration requirement pursuant to Montana Code Annotated § 46-23-506 you will need to complete and file two forms --they are a Petition and an Order.

The costs is $120.00 per petition filed, payable to the Clerk of District Court at the time you file your Petition. If you are unable to pay the filing fee, you may submit a Fee Waiver Affidavit and Order – also found on the Clerk's website at http://flathead.mt.gov/clerk_of_court/links.php. This Affidavit and proposed order must be filed at the same time you file your Petition and Order.

1) Fill in all of the blanks in both the Petition and the Order – note that the Certificate of Service in the Petition requires you to send a copy of the Petition to the County Attorney in the County where you are filing the Petition.

2) Make two copies of the completed original Petition – one for you to retain and one to be mailed or delivered to the County Attorney.

3) The Court will allow a statutory timeframe for the County Attorney to respond. If there is no objection the Court may grant the petition and a copy of the order will be emailed to you. If the County Attorney objects to the petition the Court will likely set a hearing. A copy of the Notice of Hearing will be emailed to you.

_____
(Your name)

_____
(Your street address)

_____
(City, State, Zip code)

_____
(Your phone number)

_____
(Your email address)

Petitioner Pro Se

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

_____,)
)
 Petitioner,)
)
 vs.)
)
)
 THE STATE OF MONTANA,)
)
 Respondent.)
	Case No. DV-_____
	
	PETITION FOR RELIEF
	from REGISTRATION
	REQUIREMENT

I, _____, the Petitioner respectfully request that

the Court enter an Order releasing me from the requirement of registration pursuant to

Montana Code Annotated § 46-23-506(2)(a). This petition is based upon the following:

1. That a plea of guilty/not guilty/nolo contendere [circle one] was entered in the

   above-entitled matter on _____[date] and as the Defendant

   I received the following sentence: _____ month(s)/year(s) [circle

   one] to the Montana State Prison with all but_____ days/month(s)/year(s)

   [circle one] of said sentence suspended and was required by statutory law to

   register as a violent offender.

2. That I have discharged the entire suspended sentence.

3. I have registered yearly as a violent offender for the past ten (10) years completing the mandatory registration time pursuant to MCA § 46-23-506(2)(a).

4. That the Flathead County Attorney's office has been contacted but [ ] could [ ] could not (*check one*) be reached to determine if there is any objection to my release from mandatory registration.

WHEREFORE, I respectfully petition the Court for an Order releasing me from the requirement to register as a violent offender pursuant to MCA § 46-23-506(2)(a).

I declare under penalty of perjury and the laws of the State of Montana that the foregoing is true and correct.

DATED this _____ day of _____, _____.

_____
(Signature of Petitioner/Defendant)

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____ 20_____ , a true and correct copy of the foregoing PETITION FOR RELEASE FROM REGISTRATION REQUIREMENT was served upon the following party by the following means:

Flathead County Attorney's Office   [ ] Hand Delivered
Attention:_____   [ ] U.S. Mail postage pre-paid
820 South Main   [ ] Facsimile #_____
Kalispell, MT 59901

_____
Signature of Petitioner/Defendant

DISTRICT COURT JUDGE
Eleventh Judicial District
Flathead County Justice Center
920 South Main
Kalispell, MT 59901

MONTANA 11th JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

_____)	Cause No. _____	
)		
Petitioner,)		
)		
vs.)	**ORDER GRANTING PETITION for RELIEF from REGISTRATION REQUIREMENT**	
)		
)		
THE STATE OF MONTANA,)		
)		
Respondent.)		

Having considered the Petitioner's Petition for Relief from Registration and any

Response and/or Reply filed thereto, and good cause being found, the Court ORDERS:

[ ]   The Petitioner is hereby immediately released from the requirement of

mandatory registration as a violent offender.

[ ]   _____

_____

Dated this _____ day of _____, 20_____.

_____
District Court Judge

Copies to: Petitioner
              Flathead County Attorney

ORDER RELEASING PETITIONER
FROM REGISTRATION REQUIREMENT