

1 HOUSE BILL NO. 644
2 INTRODUCED BY E. STAFMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR DISMISSAL OF A COMPLAINT,
5 INFORMATION, OR INDICTMENT AGAINST A HEALTH CARE PROVIDER UNDER CERTAIN
6 CIRCUMSTANCES."

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

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10 NEW SECTION. Section 1. Dismissal of charges against health care provider. (1) A health care
11 provider, as defined in 50-16-504, may move to dismiss a complaint, information, or indictment against the
12 provider that is based on the provider's conduct in providing health care in the ordinary course of business or
13 practice of the provider's profession.

14 (2) The court shall hold a hearing on the motion as quickly as is reasonably practicable. At the
15 hearing, the state shall prove by a preponderance of the evidence that the conduct on which the complaint,
16 information, or indictment is based was:

- 17 (a) knowingly or purposely committed and not merely negligent; and
- 18 (b) outside the accepted standards of care for the health care provider.

19 (3) If the state does not meet its burden under subsection (2), the court shall dismiss the
20 complaint, information, or indictment against the health care provider.

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22 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
23 integral part of Title 46, chapter 13, part 4, and the provisions of Title 46, chapter 13, part 4, apply to [section 1].

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