

SENATE BILL NO. 6

2nd Special Session

Introduced to Referred to Committee on Judiciary: 6/23/82

Tabled: 6/23/82

*Special Session # 11*

*Senate* BILL NO. *6*

INTRODUCED BY *Bo Callahan*

A BILL FOR AN ACT ENTITLED: "AN ACT TO TEMPORARILY PROVIDE FOR THE EARLY GRANTING OF PAROLE BY THE BOARD OF PARDONS IF THE POPULATION AT THE MONTANA STATE PRISON EXCEEDS ITS DESIGNED CAPACITY FOR A PERIOD OF MORE THAN 30 DAYS; AMENDING SECTION 46-23-201, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the Governor has convened the Legislature to consider problems and conditions within the entire adult corrections program in Montana; and

WHEREAS, the overcrowded conditions at the Montana State Prison may be at least partially relieved by considering prisoners for parole prior to their parole eligibility date; and

WHEREAS, parole is a discretionary function of the Board of Pardons; and

WHEREAS, this act would not mandate the ordering of parole.

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

Section 1. Section 46-23-201, MCA, is amended to read:

"46-23-201. Prisoners eligible for parole. (1) Subject to the following restrictions, the board shall release on

parole by appropriate order any person confined in the Montana state prison, except persons under sentence of death and persons serving sentences imposed under 46-18-202(2), when in its opinion there is reasonable probability that the prisoner can be released without detriment to himself or to the community:

(a) No ~~Except as provided in subsection (3), no~~ convict serving a time sentence may be paroled until he has served at least one-half of his full term, less the good time allowance provided for in 53-30-105; except that a convict designated as a nondangerous offender under 46-18-404 may be paroled after he has served one-quarter of his full term, less the good time allowance provided for in 53-30-105. Any offender serving a time sentence may be paroled after he has served, upon his term of sentence, 17 1/2 years.

(b) No ~~Except as provided in subsection (3), no~~ convict serving a life sentence may be paroled until he has served 30 years, less the good time allowance provided for in 53-30-105.

(2) A parole shall be ordered only for the best interests of society and not as an award of clemency or a reduction of sentence or pardon. A prisoner shall be placed on parole only when the board believes that he is able and willing to fulfill the obligations of a law-abiding citizen.

1        (3) If the department of institutions certifies to the  
2 board that the population at the Montana state prison  
3 exceeds its design capacity of 515 inmates and has exceeded  
4 that capacity for a period of more than 30 days, the board  
5 shall consider convicts eligible for parole 90 days prior to  
6 the eligibility date provided for in subsection (1)."

7        NEW SECTION. Section 2. Effective        date        and  
8 termination date. This act is effective on passage and  
9 approval and terminates on September 30, 1983.

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