



MARCH 21, 1991

SECOND READING, AMENDMENTS  
CONCURRED IN.

MARCH 23, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *333*  
 2 INTRODUCED BY *Sen. Jeff Davis*  
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS,  
 4 *UNASSIGNED* *Sen. Kelly* *Sen. Brock* *Sen. Beck*

5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS  
 6 RELATING TO PAROLE ELIGIBILITY; MAKING ALL INMATES ELIGIBLE  
 7 FOR PAROLE 120 DAYS PRIOR TO THEIR ELIGIBILITY DATES WHEN  
 8 THE CORRECTIONAL FACILITY HAS EXCEEDED ITS EMERGENCY  
 9 CAPACITY FOR 30 CONSECUTIVE DAYS; AND AMENDING SECTION  
 10 46-23-201, MCA."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 46-23-201, MCA, is amended to read:  
 14 **"46-23-201. Prisoners eligible for parole.** (1) Subject  
 15 to the restrictions contained in subsections (2) through  
 16 (4), the board may release on parole by appropriate order  
 17 any person confined in the Montana state prison or the  
 18 women's correction center, except persons under sentence of  
 19 death and persons serving sentences imposed under  
 20 46-18-202(2), when in its opinion there is reasonable  
 21 probability that the prisoner can be released without  
 22 detriment to the prisoner or to the community.  
 23 (2) A convict serving a time sentence may not be  
 24 paroled until he has served at least one-half of his full  
 25 term, less the good time allowance provided for in

1 53-30-105; except that a convict designated as a  
 2 nondangerous offender under 46-18-404 may be paroled after  
 3 he has served one-quarter of his full term, less the good  
 4 time allowance provided for in 53-30-105. Any offender  
 5 serving a time sentence may be paroled after he has served,  
 6 upon his term of sentence, 17 1/2 years.

7 (3) A convict serving a life sentence may not be  
 8 paroled until he has served 30 years, less the good time  
 9 allowance provided for in 53-30-105.

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

15 (5) if Whenever the department of institutions  
 16 certifies to the board that the population at either the  
 17 Montana--state--prison--exceeds male or female correctional  
 18 facility has exceeded its design emergency capacity of--744  
 19 by--96--inmates--or--that--the--population--at--the--women's  
 20 correction--center--exceeds--its--design--capacity--of--35--inmates  
 21 and--that--the--prison--or--the--center--has--exceeded--its--capacity  
 22 for--a--period--of--more--than for 30 consecutive days, the board  
 23 shall consider convicts--in--the--institution--in--which--the  
 24 design--capacity--has--been--exceeded the respective male or  
 25 female inmates under the jurisdiction of the department



LC 1299/01

1 eligible for parole 120 days prior to the eligibility dates  
2 provided for in subsections (2) and (3).  
3 (6) Regardless of length of sentence, if the conditions  
4 of parole eligibility are met within the initial 12 months  
5 of incarceration at Montana state prison, the provisions of  
6 subsection (5) do not apply."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0333, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill for an act entitled: "An act amending the laws relating to parole eligibility; making all inmates eligible for parole 120 days prior to their eligibility dates when the correctional facility has exceeded its emergency capacity for 30 consecutive days; and amending section 46-23-201, MCA."


ASSUMPTIONS:

1. This bill changes the language in the law to say "Whenever the Department of Institutions certifies to the Board of Pardons that the population at either the male or female correctional facility has exceeded emergency capacity for 30 consecutive days, the board shall consider parole for inmates 120 days prior to eligibility dates".
2. The Department of Institutions is currently operating under these parameters; therefore, there is no fiscal impact.

FISCAL IMPACT:

No impact.

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR                      DATE  
Office of Budget and Program Planning

  
\_\_\_\_\_  
VIVIAN M. BROOKE, PRIMARY SPONSOR                      DATE  
Fiscal Note for HB0333, as introduced                      **HB 333**

APPROVED BY COMMITTEE  
ON JUDICIARY

1 *House* BILL NO. *333*  
2 INTRODUCED BY *Bruce Hoff Dave Brown*  
3 *St* BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS)  
4 *UNRECORDED* *Steve Kelly* *T. Brock* *Lee* *Beck*

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LC 1299/01

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6 subsection (5) do not apply."

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 2 INTRODUCED BY *Senate Staff Dave Brown*  
 3 *BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS,*  
 4 *UNREMOVED Staff Killip, T. Bush, Lee, Beck*

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LC 1299/01

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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 11, 1991

MR. PRESIDENT:

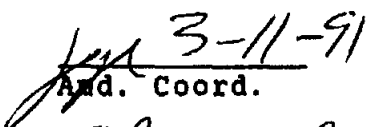
We, your committee on Judiciary having had under consideration House Bill No. 333 (third reading copy -- blue), respectfully report that House Bill No. 333 be amended and as so amended be concurred in:

1. Title, line 8.  
Strike: "EMERGENCY"  
Insert: "DESIGNED"

2. Page 2, line 18.  
Strike: "emergency"  
Insert: "designed"

Signed: 

Richard Pinsonneault, Chairman

  
3-11-91  
And. Coord.

SB 3-11 3:50  
Sec. of Senate

SENATE  
HB 333

HOUSE BILL NO. 333

INTRODUCED BY BROOKE, THOPT, D. BROWN, HARRINGTON,  
STRIZICH, WANZENRIED, O'KEEFE, HALLIGAN, T. BECK,

LEE, G. BECK, LARSON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

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HB 0333/02

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