

HOUSE BILL NO. 379

INTRODUCED BY BROOKE, DRISCOLL, J. RICE,  
MESSMORE, T. BECK, KASTEN, G. BECK, STRIZICH,  
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

JANUARY 24, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

                                  FIRST READING.

FEBRUARY 4, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 5, 1991                   PRINTING REPORT.

FEBRUARY 6, 1991                   SECOND READING, DO PASS.

FEBRUARY 7, 1991                   ENGROSSING REPORT.

FEBRUARY 8, 1991                   THIRD READING, PASSED.  
AYES, 61; NOES, 34.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 9, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

                                  FIRST READING.

MARCH 12, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 14, 1991                   SECOND READING, CONCURRED IN.

MARCH 15, 1991                   THIRD READING, CONCURRED IN.  
AYES, 42; NOES, 6.

                                  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 19, 1991                   RECEIVED FROM SENATE.

                                  SECOND READING, AMENDMENTS  
CONCURRED IN.

MARCH 20, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *379*  
 2 INTRODUCED BY *Quail Smith Rice Munson*  
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR GOOD TIME  
 6 CREDIT FOR PERSONS ON PAROLE; AMENDING SECTION 53-30-105,  
 7 MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY  
 8 DATE."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 53-30-105, MCA, is amended to read:

12 "53-30-105. Good time allowance. (1) The department of  
 13 institutions shall adopt rules providing for the granting of  
 14 good time allowance for inmates employed in any prison work  
 15 or activity. The good time allowance shall operate as a  
 16 credit on his sentence as imposed by the court, conditioned  
 17 upon the inmate's good behavior and compliance with the  
 18 rules made by the department or the warden. The rules  
 19 adopted by the department may not grant good time allowance  
 20 to exceed:

- 21 (a) 10 days per month for inmates assigned to maximum,
- 22 close, and medium I security classifications;
- 23 (b) 13 days per month for those classified as medium II
- 24 and minimum security classifications;
- 25 (c) 15 days per month for inmates after having been

1 assigned as medium II or minimum security for an  
 2 uninterrupted period of 1 year;

3 (d) 13 days per month for those inmates enrolled in  
 4 school who successfully complete the course of study or who  
 5 while so enrolled are released from prison by discharge or  
 6 parole;

7 (e) 3 days per month for those inmates participating in  
 8 self-improvement activities designated by the department.

9 (2) In the event of an attempted escape by an inmate or  
 10 a violation of the rules prescribed by the department or  
 11 warden, the inmate may be punished by the forfeiture of part  
 12 or all good time allowances. The warden of the state prison  
 13 shall advise the department of any attempted escape or  
 14 violation of rules on the part of the inmate. Any punishment  
 15 by forfeiture of good time allowance must be approved by the  
 16 department.

17 (3) A person may not earn good time under this section  
 18 while he is on probation. or A person may earn good time  
 19 while on parole at the rate of 30 days per month. If the  
 20 department determines that a person has violated his  
 21 conditions of parole, it may deduct up to 120 days of good  
 22 time credit.

23 (4) The warden of the state prison may request that all  
 24 or portions of any previously forfeited good time be  
 25 restored as a result of subsequent good behavior. Any

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1 restoration of good time allowance must be approved by the  
2 department."

3 NEW SECTION. Section 2. Applicability. [Section 1]  
4 applies to persons paroled on or after July 1, 1991.

5 NEW SECTION. Section 3. Effective date. [This act] is  
6 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0379, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill for an act entitled: "An act providing for good time credit for persons on parole; amending section 53-30-105, MCA; and providing an effective date and an applicability date."

ASSUMPTIONS:

1. This bill allows a person on parole to earn good time at the rate of 30 days per month and, if the department determines that a person has violated his conditions of parole, to deduct up to 120 days of good time credit.
2. This bill may allow parolees to be released from parole at an earlier date. Also, inmates presently not requesting parole due to the good time issue may begin to request parole.

FISCAL IMPACT:

No impact known at this time.

  
ROD SUNDSTED, BUDGET DIRECTOR      1/28/91  
Office of Budget and Program Planning      DATE

  
VIVIAN M. BROOKE, PRIMARY SPONSOR      1/29/91  
DATE

Fiscal Note for HB0379, as introduced

**HB379**

APPROVED BY COMMITTEE  
ON JUDICIARY

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MESSMORE, T. BECK, KASTEN, G. BECK

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(b) 13 days per month for those classified as medium II  
and minimum security classifications;

(c) 15 days per month for inmates after having been  
assigned as medium II or minimum security for an  
uninterrupted period of 1 year;

(d) 13 days per month for those inmates enrolled in  
school who successfully complete the course of study or who  
while so enrolled are released from prison by discharge or  
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(e) 3 days per month for those inmates participating in  
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conditions of parole, it may deduct up to 120 days of good  
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(4) The warden of the state prison may request that all  
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**SECOND READING**



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1 restored as a result of subsequent good behavior. Any  
2 restoration of good time allowance must be approved by the  
3 department."

4 NEW SECTION. Section 2. Applicability. [Section 1]  
5 applies to persons ON PAROLE OR paroled on or after July 1,  
6 1991.

7 NEW SECTION. Section 3. Effective date. [This act] is  
8 effective July 1, 1991.

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**THIRD READING**

HB 379





HB 0379/02

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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. 379 (third reading copy -- blue), respectfully report that House Bill No. 379 be amended and as so amended be concurred in:

1. Page 2, line 22.

Following: "may"

Insert: ", in its discretion,"

Following: "deduct"

Strike: "up to 120 days of"

2. Page 2, line 23.

Following: "credit"

Insert: "accumulated under this subsection in an amount up to and including all credit accumulated on the date of the violation"

Signed, 

Richard Pinsoneault, Chairman

*JAL 3-11-91*  
Amd. Coord.

*SB 3-11 3:50*

Sec. of Senate

SENATE  
HB 379

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2 or portions of any previously forfeited good time be  
3 restored as a result of subsequent good behavior. Any  
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