

SENATE BILL 453

Introduced by Doherty, et al.

2/21	Introduced
2/21	Fiscal Note Requested
2/21	First Reading
2/21	Referred to Judiciary
2/22	Hearing
2/23	Tabled in Committee
2/25	Fiscal Note Received

1 *Senate* BILL NO. *453*
 2 INTRODUCED BY *Donna L. Latta*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE
 5 RESPONSIBILITY FOR FIELD SERVICES STAFF FOR PROBATION AND
 6 PAROLE FROM THE DEPARTMENT OF INSTITUTIONS TO THE DEPARTMENT
 7 OF JUSTICE; AND AMENDING SECTIONS 46-23-103, 46-23-401,
 8 46-23-502, 46-23-503, AND 46-23-1001, MCA."

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

11 **Section 1.** Section 46-23-103, MCA, is amended to read:

12 "46-23-103. Definitions. Unless the context requires
13 otherwise, in this chapter the following definitions apply:

14 (1) "Board" means the board of pardons provided for in
15 2-15-2302.

16 (2) "Department" means the department of *institutions*
17 justice provided for in Title 2, chapter 15, part 23 20.

18 (3) "Executive clemency" refers to the powers of the
19 governor as provided by section 12 of Article VI of the
20 constitution of Montana.

21 (4) "Parole" means the release to the community of a
22 prisoner by the decision of the board prior to the
23 expiration of his term, subject to conditions imposed by the
24 board and subject to supervision of the department of
25 institutions justice."

1 **Section 2.** Section 46-23-401, MCA, is amended to read:

2 "46-23-401. Definitions. Unless the context requires
3 otherwise, in this part the following definitions apply:

4 (1) "Applicant" means any prisoner who is eligible
5 under 46-23-411 and who signs an application to participate
6 in the supervised release program.

7 (2) "Board" means the board of pardons provided for in
8 2-15-2302.

9 (3) "Department" means the department of *institutions*
10 justice provided for in ~~2-15-2302~~ 2-15-2001.

11 (4) "Prisoner" means a person sentenced by a state
12 district court to a term of confinement in the state prison.

13 (5) "State prison" means the Montana state prison at
14 Deer Lodge or any adult correctional facility designated by
15 the department.

16 (6) "Sponsor" means any federal, state, county, local,
17 or private agency, Indian tribe and reservation, or any
18 person, group, association, or organization approved by the
19 department to undertake the supervision of prisoners
20 participating in the supervised release program.

21 (7) "Supervising agent" means a probation and parole
22 officer of the department."

23 **Section 3.** Section 46-23-502, MCA, is amended to read:

24 "46-23-502. Definitions. As used in 46-18-254,
25 46-18-255, and this part, the following definitions apply:



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1 (1) "Department" means the department of institutions
2 justice provided for in Title 2, chapter 15, part ~~23~~ 20.

3 (2) "Sexual offender" means a person who has been
4 convicted of a sexual offense.

5 (3) "Sexual offense" means:

6 (a) any violation of 45-5-502(3), 45-5-503, 45-5-505,
7 45-5-507 (unless the act occurred between two consenting
8 persons 16 years of age or older), or 45-5-625; or

9 (b) any violation of a law of another state or the
10 federal government reasonably equivalent to a violation
11 listed in subsection (3)(a)."

12 **Section 4.** Section 46-23-503, MCA, is amended to read:

13 **"46-23-503. Release of sexual offender from place of**
14 **confinement -- duties of official in charge.** A sexual
15 offender who is released from the custody of the department
16 of institutions or the department of family services must be
17 informed in writing prior to release of his duty to register
18 under 46-18-254, 46-18-255, and this part by the official in
19 charge of the place of confinement. The official shall
20 obtain the address where the person expects to reside upon
21 his release and report the address to the department of
22 institutions justice. The department shall inform the
23 appropriate law enforcement agency having local jurisdiction
24 where the person expects to reside."

25 **Section 5.** Section 46-23-1001, MCA, is amended to read:

1 **"46-23-1001. Definitions.** As used in this part, unless
2 the context requires otherwise, the following definitions
3 apply:

4 (1) "Board" means the board of pardons provided for in
5 2-15-2302.

6 (2) "Department" means the department of institutions
7 justice provided for in Title 2, chapter 15, part ~~23~~ 20.

8 (3) "Parole" means the release to the community of a
9 prisoner by the decision of the board prior to the
10 expiration of his term, subject to conditions imposed by the
11 board and subject to supervision of the department.

12 (4) "Probation" means the release by the court without
13 imprisonment, except as otherwise provided by law, of a
14 defendant found guilty of a crime upon verdict or plea,
15 subject to conditions imposed by the court and subject to
16 the supervision of the department upon direction of the
17 court."

18 **NEW SECTION. Section 6.** Reorganization procedure. The
19 provisions of 2-15-131 through 2-15-137 govern the transfer
20 of the various functions contained in [this act] from the
21 department of institutions to the department of justice.

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