

1 department.

2 (3) ~~The provisions of subsections (1) and (2) apply~~
 3 This section applies to all persons who are on probation or
 4 parole or eligible to be placed on probation or parole. No
 5 person convicted and sentenced before April 1, 1955, shall
 6 have his good time allowance reduced as a result of this
 7 section.

8 ~~(4) The maximum allowances for good time described in~~
 9 ~~subsection (1) shall be reduced for a person who has been~~
 10 ~~convicted of a felony offense on more than two (2) occasions~~
 11 ~~within a ten (10) year period, provided, however, for the~~
 12 ~~purpose of determining such ten (10) year period, the time~~
 13 ~~during which a person is incarcerated shall not be counted.~~
 14 ~~The maximum amount of good time allowable for such a~~
 15 ~~habitual offender shall be computed as follows:~~

16 ~~(a) five (5) days per month for inmates assigned~~
 17 ~~within the confines of the walls of the prison;~~

18 ~~(b) eight (8) days per month for those inmates placed~~
 19 ~~outside the confines of the walls of the prison;~~

20 ~~(c) ten (10) days per month for those inmates who have~~
 21 ~~been assigned outside the walls of the prison for an~~
 22 ~~uninterrupted period of one (1) year on a minimum status;~~

23 ~~(d) eight (8) days per month for those inmates~~
 24 ~~enrolled in school inside the walls who successfully~~
 25 ~~complete the course of study or who while so enrolled are~~

1 ~~released from prison by discharge or parole;~~

2 ~~(e) five (5) days for each pint of blood donated by an~~
 3 ~~inmate;~~

4 ~~(5) No person convicted and sentenced before July 17~~
 5 ~~1974, shall have his good time allowance reduced as required~~
 6 ~~by subsection (4)."~~

7 Section 2. There is a new R.C.M. section numbered
 8 95-2206.5 that reads as follows:

9 95-2206.5. Judicial designation of persistent felony
 10 offenders for purposes of parole eligibility. (1) When an
 11 offender has been previously convicted of a felony and the
 12 present offense is a second felony committed on a different
 13 occasion than the first, the sentencing court shall
 14 designate the offender a persistent felony offender for
 15 purposes of eligibility for parole under section 95-3214,
 16 provided:

17 (a) the previous felony conviction was for an offense
 18 committed in this state or any other jurisdiction for which
 19 a sentence to a term of imprisonment in excess of one (1)
 20 year could have been imposed; and

21 (b) less than five (5) years have elapsed between the
 22 commission of the present offense and either:

23 (i) the previous felony conviction, or

24 (ii) the offender's release on parole or otherwise from
 25 prison or other commitment imposed as a result of the

1 previous felony conviction; and

2 (c) the offender was more than eighteen (18) years of
3 age at the time of the commission of the present offense.

4 (2) A previous felony conviction shall not be
5 considered for the purposes of this section if the offender
6 has been pardoned on the grounds of innocence, or if the
7 conviction had been set aside in any post-conviction
8 hearing.

9 Section 3. Section 95-3214, R.C.M. 1947, is amended to
10 read as follows:

11 "95-3214. Parole authority and procedure. (1) The
12 board shall release on parole, by appropriate order, any
13 person confined in the Montana state prison, except persons
14 under sentence of death, when in its opinion there is
15 reasonable probability that the prisoner can be released
16 without detriment to himself or to the community, provided:

17 (a) That no convict serving a time sentence shall be
18 paroled until he has served at least one-quarter (1/4) of
19 his full term, less good time allowances off, as provided in
20 section 80-1905; except that any no convict designated a
21 persistent felony offender under section 95-2206.5 may be
22 paroled until he has served at least one-third (1/3) of his
23 full term, less good time allowances off, as provided in
24 section 80-1905. A first offender serving a time sentence
25 may be paroled after he has served, upon his term of

1 sentence, twelve and one-half (12 1/2) years. A persistent
2 felony offender as defined in section 95-2206.5 may be
3 paroled after he has served, upon his term of sentence,
4 seventeen and one-half (17 1/2) years.

5 (b) No convict serving a life sentence shall be
6 paroled until he has served ~~twenty-five-(25)~~ thirty (30)
7 years, less the good time allowances off, as provided in
8 section 80-1905.

9 (2) Within two (2) months after his admission and at
10 such intervals thereafter as it determines, the board shall
11 consider all pertinent information regarding each prisoner,
12 including the circumstances of his offense, his previous
13 social history and criminal record, his conduct, employment,
14 and attitude in prison, and the reports of and physical and
15 mental examinations which have been made.

16 (3) Before ordering the parole of any prisoner, the
17 board shall interview him. A parole shall be ordered only
18 for the best interest of society, not as an award of
19 clemency or a reduction of sentence or pardon. A prisoner
20 shall be placed on parole only when the board believes that
21 he is able and willing to fulfill the obligations of a
22 law-abiding citizen. Every prisoner while on parole shall
23 remain in the legal custody of the institution from which he
24 was released, but shall be subject to the orders of the
25 board.

1 (4) The board may adopt other rules it considers
2 proper or necessary, with respect to the eligibility of
3 prisoners for parole, and the conduct of parole hearings or
4 conditions to be imposed upon parolees. When an order for
5 parole is issued it shall recite the conditions thereof."

6 Section 4. Section 95-3215, R.C.M. 1947, is amended to
7 read as follows:

8 "95-3215. Conditional release. A prisoner ~~on--parole~~
9 who has served one-fourth (1/4) of his term or terms, less
10 good time allowances, or a persistent felony offender who
11 has served one-third (1/3) of his term or terms, less good
12 time allowances, is considered released on parole until the
13 expiration of the maximum term or terms for which he was
14 sentenced, less good time allowances as provided in section
15 80-1905."

-End-

Approved by Committee
on Judiciary

SENATE BILL NO. 339
INTRODUCED BY ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO REQUIRE A JUDICIAL DESIGNATION OF CERTAIN FELONY OFFENDERS AS PERSISTENT FELONY OFFENDERS FOR PURPOSES OF PAROLE ELIGIBILITY,~~ TO EQUALIZE GOOD TIME ALLOWANCES FOR ALL OFFENDERS; TO ALLOW INMATES GOOD TIME FOR DESIGNATED SELF-IMPROVEMENT ACTIVITIES; AMENDING SECTIONS SECTION 80-1905, ~~95-3214, AND 95-3215,~~ R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 80-1905, R.C.M. 1947, is amended to read as follows:

"80-1905. Good time allowance -- forfeiture -- probationers and parolees -- application of prior law -- ~~good-time-allowance-offenders.~~ (1) The state department of institutions shall adopt rules and regulations providing for the granting of good time allowance for inmates employed in any prison work or activity. The good time allowance shall operate as a credit on his sentence as imposed by the court, conditioned upon the inmate's good behavior and compliance with the rules and regulations made by the department or the warden. ~~Except as provided in subsection (4), the~~ The rules adopted by the department may not grant good time allowance

to exceed:
(a) ten (10) days per month for inmates assigned within the confines of the walls of the prison;
(b) thirteen (13) days per month for those inmates placed outside the confines of the walls of the prison;
(c) fifteen (15) days per month for those inmates who have been assigned outside the walls of the prison for an uninterrupted period of one year on a minimum status.
(d) thirteen (13) days per month for those inmates enrolled in school inside the walls who successfully complete the course of study or who while so enrolled are released from prison by discharge or parole;
(e) ten (10) days for each pint of blood donated by an inmate;
(f) three (3) days per month for those inmates participating in self-improvement activities designated by the department of institutions.
(2) In the event of an attempted escape by an inmate, or a violation of the rules and regulations prescribed by the department or warden, the inmate may be punished by the forfeiture of part or all good time allowances. The warden of the state prison shall advise the department of institutions of any attempted escape or violation of rules and regulations on the part of the inmate. Any punishment by forfeiture of good time allowance must be approved by the

1 department.

2 (3) ~~The provisions of subsections (1) and (2) apply~~
 3 This section applies to all persons who are on probation or
 4 parole or eligible to be placed on probation or parole. No
 5 person convicted and sentenced before April 1, 1955, shall
 6 have his good time allowance reduced as a result of this
 7 section.

8 ~~(4) The maximum allowances for good time described in~~
 9 ~~subsection (1) shall be reduced for a person who has been~~
 10 ~~convicted of a felony offense on more than two (2) occasions~~
 11 ~~within a ten (10) year period; provided, however, for the~~
 12 ~~purpose of determining such ten (10) year period, the time~~
 13 ~~during which a person is incarcerated shall not be counted.~~
 14 ~~The maximum amount of good time allowable for such a~~
 15 ~~habitual offender shall be computed as follows:~~

16 ~~(a) five (5) days per month for inmates assigned~~
 17 ~~within the confines of the walls of the prison;~~

18 ~~(b) eight (8) days per month for those inmates placed~~
 19 ~~outside the confines of the walls of the prison;~~

20 ~~(c) ten (10) days per month for those inmates who have~~
 21 ~~been assigned outside the walls of the prison for an~~
 22 ~~uninterrupted period of one (1) year on a minimum status;~~

23 ~~(d) eight (8) days per month for those inmates~~
 24 ~~enrolled in school inside the walls who successfully~~
 25 ~~complete the course of study or who while so enrolled are~~

1 released from prison by discharge or parole;

2 ~~(e) five (5) days for each pint of blood donated by an~~
 3 ~~inmate;~~

4 ~~(5) No person convicted and sentenced before July 1,~~
 5 ~~1974, shall have his good time allowance reduced as required~~
 6 ~~by subsection (4)."~~

7 ~~Section 2, There is a new R.C.M. section numbered~~
 8 ~~95-2206.5 that reads as follows:~~

9 ~~95-2206.5. Judicial designation of persistent felony~~
 10 ~~offenders for purposes of parole eligibility. (1) When an~~
 11 ~~offender has been previously convicted of a felony and the~~
 12 ~~present offense is a second felony committed on a different~~
 13 ~~occasion than the first, the sentencing court shall~~
 14 ~~designate the offender a persistent felony offender for~~
 15 ~~purposes of eligibility for parole under section 95-3214,~~
 16 ~~provided:~~

17 ~~(a) the previous felony conviction was for an offense~~
 18 ~~committed in this state or any other jurisdiction for which~~
 19 ~~a sentence to a term of imprisonment in excess of one (1)~~
 20 ~~year could have been imposed; and~~

21 ~~(b) less than five (5) years have elapsed between the~~
 22 ~~commission of the present offense and either:~~

23 ~~(i) the previous felony conviction; or~~

24 ~~(ii) the offender's release on parole or otherwise from~~
 25 ~~prison or other commitment imposed as a result of the~~

1 previous felony conviction; and

2 (c) the offender was more than eighteen (18) years of
3 age at the time of the commission of the present offense;

4 (2) A previous felony conviction shall not be
5 considered for the purposes of this section if the offender
6 has been pardoned on the grounds of innocence, or if the
7 conviction had been set aside in any post-conviction
8 hearing;

9 Section 3, Section 95-3214, R.C.M., 1947, is amended to
10 read as follows:

11 95-3214. Parole authority and procedure. (1) The
12 board shall release on parole, by appropriate order, any
13 person confined in the Montana state prison, except persons
14 under sentence of death, when in its opinion there is
15 reasonable probability that the prisoner can be released
16 without detriment to himself or to the community; provided:

17 (a) That no convict serving a time sentence shall be
18 paroled until he has served at least one quarter (1/4) of
19 his full term, less good time allowances off, as provided in
20 section 80-1905, except that any no convict designated a
21 persistent felony offender under section 95-2206,5 may be
22 paroled until he has served at least one third (1/3) of his
23 full term, less good time allowances off, as provided in
24 section 80-1905, A first offender serving a time sentence
25 may be paroled after he has served, upon his term of

1 sentence, twelve and one half (12 1/2) years. A persistent
2 felony offender as defined in section 95-2206,5 may be
3 paroled after he has served, upon his term of sentence,
4 seventeen and one half (17 1/2) years.

5 (b) No convict serving a life sentence shall be
6 paroled until he has served twenty-five (25) thirty (30)
7 years, less the good time allowances off, as provided in
8 section 80-1905.

9 (2) Within two (2) months after his admission and at
10 such intervals thereafter as it determines, the board shall
11 consider all pertinent information regarding each prisoner,
12 including the circumstances of his offense, his previous
13 social history and criminal record, his conduct, employment,
14 and attitude in prison, and the reports of and physical and
15 mental examinations which have been made.

16 (3) Before ordering the parole of any prisoner, the
17 board shall interview him. A parole shall be ordered only
18 for the best interest of society, not as an award of
19 clemency or a reduction of sentence or pardon. A prisoner
20 shall be placed on parole only when the board believes that
21 he is able and willing to fulfill the obligations of a
22 law-abiding citizen. Every prisoner while on parole shall
23 remain in the legal custody of the institution from which he
24 was released, but shall be subject to the orders of the
25 board.

1 ~~(4) The board may adopt other rules it considers~~
2 ~~proper or necessary, with respect to the eligibility of~~
3 ~~prisoners for parole, and the conduct of parole hearings or~~
4 ~~conditions to be imposed upon parolees. When an order for~~
5 ~~parole is issued it shall recite the conditions thereof.~~"

6 Section 4, Section 95-3215, R.C.M., 1947, is amended to
7 read as follows:

8 "95-3215. Conditional release. A prisoner on parole
9 who has served one-fourth (1/4) of his term or terms, less
10 good time allowances, or a persistent felony offender who
11 has served one-third (1/3) of his term or terms, less good
12 time allowances, is considered released on parole until the
13 expiration of the maximum term or terms for which he was
14 sentenced, less good time allowances as provided in section
15 89-1905."

-End-

1 SENATE BILL NO. 339
2 INTRODUCED BY ROBERTS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO REQUIRE--A--JUDICIAL~~
5 ~~DESIGNATION-OF-CERTAIN-FELONY-OFFENDERS-AS-PERSISTENT-FELONY~~
6 ~~OFFENDERS--FOR--PURPOSES-OF-PAROLE-ELIGIBILITY,~~ TO REQUIRE A
7 JUDICIAL DESIGNATION OF CERTAIN FELONY OFFENDERS AS
8 PERSISTENT FELONY OFFENDERS FOR PURPOSES OF PAROLE
9 ELIGIBILITY; TO EQUALIZE GOOD TIME ALLOWANCES FOR ALL
10 OFFENDERS; TO ALLOW INMATES GOOD TIME FOR DESIGNATED
11 SELF-IMPROVEMENT ACTIVITIES; AMENDING SECTIONS ~~SECTIONS~~
12 SECTION 80-1905, 95-3214, AND 95-3215 ~~95-3214--AND~~
13 ~~95-3215,~~ R.C.M. 1947."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 80-1905, R.C.M. 1947, is amended to
17 read as follows:

18 "80-1905. Good time allowance -- forfeiture --
19 probationers and parolees -- application of prior law --
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21 institutions shall adopt rules and regulations providing for
22 the granting of good time allowance for inmates employed in
23 any prison work or activity. The good time allowance shall
24 operate as a credit on his sentence as imposed by the court,
25 conditioned upon the inmate's good behavior and compliance

1 with the rules and regulations made by the department or the
2 warden. ~~Except-as-provided-in-subsection-(4),~~ The rules
3 adopted by the department may not grant good time allowance
4 to exceed:

5 (a) ten (10) days per month for inmates assigned
6 within the confines of the walls of the prison;

7 (b) thirteen (13) days per month for those inmates
8 placed outside the confines of the walls of the prison;

9 (c) fifteen (15) days per month for those inmates who
10 have been assigned outside the walls of the prison for an
11 uninterrupted period of one year on a minimum status.

12 (d) thirteen (13) days per month for those inmates
13 enrolled in school inside the walls who successfully
14 complete the course of study or who while so enrolled are
15 released from prison by discharge or parole;

16 (e) ten (10) days for each pint of blood donated by an
17 inmate;

18 (f) three (3) days per month for those inmates
19 participating in self-improvement activities designated by
20 the department of institutions.

21 (2) In the event of an attempted escape by an inmate,
22 or a violation of the rules and regulations prescribed by
23 the department or warden, the inmate may be punished by the
24 forfeiture of part or all good time allowances. The warden
25 of the state prison shall advise the department of

THIRD READING

1 institutions of any attempted escape or violation of rules
2 and regulations on the part of the inmate. Any punishment by
3 forfeiture of good time allowance must be approved by the
4 department.

5 (3) ~~The provisions of subsections (1) and (2) apply~~
6 This section applies to all persons who are on probation or
7 parole or eligible to be placed on probation or parole. No
8 person convicted and sentenced before April 1, 1955, shall
9 have his good time allowance reduced as a result of this
10 section.

11 ~~(4) The maximum allowances for good time described in~~
12 ~~subsection (1) shall be reduced for a person who has been~~
13 ~~convicted of a felony offense on more than two (2) occasions~~
14 ~~within a ten (10) year period; provided, however, for the~~
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17 ~~The maximum amount of good time allowable for such a~~
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21 ~~(b) eight (8) days per month for those inmates placed~~
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19 ~~provided:~~

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22 ~~a sentence to a term of imprisonment in excess of one (1)~~
23 ~~year could have been imposed; and~~

24 ~~(b) less than five (5) years have elapsed between the~~
25 ~~commission of the present offense and either:~~

1 (i) the previous felony conviction; or
 2 (ii) the offender's release on parole or otherwise from
 3 prison or other commitment imposed as a result of the
 4 previous felony conviction; and

5 (c) the offender was more than eighteen (18) years of
 6 age at the time of the commission of the present offense;

7 (2) A previous felony conviction shall not be
 8 considered for the purposes of this section if the offender
 9 has been pardoned on the grounds of innocence, or if the
 10 conviction had been set aside in any post-conviction
 11 hearing;

12 Section 3, Section 95-3214, R.C.M. 1947, is amended to
 13 read as follows:

14 95-3214, Parole authority and procedure, (1) The
 15 board shall release on parole, by appropriate order, any
 16 person confined in the Montana state prison, except persons
 17 under sentence of death, when in its opinion there is
 18 reasonable probability that the prisoner can be released
 19 without detriment to himself or to the community, provided:

20 (a) That no convict serving a time sentence shall be
 21 paroled until he has served at least one quarter (1/4) of
 22 his full term, less good-time allowances off, as provided in
 23 section 80-1905, except that any no convict designated a
 24 persistent felony offender under section 95-2206, 5 may be
 25 paroled until he has served at least one third (1/3) of his

1 full term, less good-time allowances off, as provided in
 2 section 80-1905. A first offender serving a time sentence
 3 may be paroled after he has served, upon his term of
 4 sentence, twelve and one-half (12 1/2) years. A persistent
 5 felony offender as defined in section 95-2206, 5 may be
 6 paroled after he has served, upon his term of sentence,
 7 seventeen and one-half (17 1/2) years.

8 (b) No convict serving a life sentence shall be
 9 paroled until he has served twenty-five (25) ~~thirty (30)~~
 10 years, less the good-time allowances off, as provided in
 11 section 80-1905.

12 (2) Within two (2) months after his admission and at
 13 such intervals thereafter as it determines, the board shall
 14 consider all pertinent information regarding each prisoner,
 15 including the circumstances of his offense, his previous
 16 social history and criminal record, his conduct, employment,
 17 and attitude in prison, and the reports of and physical and
 18 mental examinations which have been made.

19 (3) Before ordering the parole of any prisoner, the
 20 board shall interview him. A parole shall be ordered only
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 22 clemency or a reduction of sentence or pardon. A prisoner
 23 shall be placed on parole only when the board believes that
 24 he is able and willing to fulfill the obligations of a
 25 law-abiding citizen. Every prisoner while on parole shall

1 remain in the legal custody of the institution from which he
2 was released, but shall be subject to the orders of the
3 board.

4 (4) The board may adopt other rules it considers
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7 conditions to be imposed upon parolees. When an order for
8 parole is issued it shall recite the conditions thereof.■

9 Section 4, Section 95-3215, R.C.M. 1947, is amended to
10 read as follows:

11 95-3215. Conditional release. A prisoner on parole
12 who has served one-fourth (1/4) of his term or terms, less
13 good-time allowances, or a persistent felony offender who
14 has served one-third (1/3) of his term or terms, less good
15 time allowances, is considered released on parole until the
16 expiration of the maximum term or terms for which he was
17 sentenced, less good-time allowances as provided in section
18 80-1905.■

19 SECTION 2. THERE IS A NEW R.C.M. SECTION NUMBERED
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24 present offense is a second felony committed on a different
25 occasion than the first, the sentencing court shall

1 designate the offender a persistent felony offender for
2 purposes of eligibility for parole under section 95-3214,
3 provided:

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5 committed in this state or any other jurisdiction for which
6 a sentence to a term of imprisonment in excess of one (1)
7 year could have been imposed; and

8 (b) less than five (5) years have elapsed between the
9 commission of the present offense and either:

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12 prison or other commitment imposed as a result of the
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15 age at the time of the commission of the present offense.

16 (2) A previous felony conviction shall not be
17 considered for the purposes of this section if the offender
18 has been pardoned on the grounds of innocence, or if the
19 conviction had been set aside in any post-conviction
20 hearing.

21 (3) A judicial determination of persistent felony
22 offender under this section may be made only when the
23 conviction for the present offense occurs after July 1,
24 1975.

25 SECTION 3. SECTION 95-3214, R.C.M. 1947, IS AMENDED TO

1 READ AS FOLLOWS:

2 "95-3214. Parole authority and procedure. (1) The
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4 person confined in the Montana state prison, except persons
5 under sentence of death, when in its opinion there is
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16 may be paroled after he has served, upon his term of
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18 felony offender as defined in section 95-2206.5 may be
19 paroled after he has served, upon his term of sentence,
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14 remain in the legal custody of the institution from which he
15 was released, but shall be subject to the orders of the
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21 parole is issued it shall recite the conditions thereof."

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25 who has served one-fourth (1/4) of his term or terms, less

1 good time allowances, or a persistent felony offender who
2 has served one-third (1/3) of his term or terms, less good
3 time allowances, is considered released on parole until the
4 expiration of the maximum term or terms for which he was
5 sentenced, less good time allowances as provided in section
6 80-1905."

-End-

HOUSE OF REPRESENTATIVES

DATE: March 12, 1975

COMMITTEE ON JUDICIARY AMENDMENT TO SENATE BILL NO. 339.

Be amended in the third reading bill as follows:

1. Amend page 2, section 1, subsection (f), line 18.
Following: "(f)"
Strike: "three (3)"
Insert: "five (5)"

AS SO AMENDED
BE CONCURRED IN

SENATE BILL NO. 339
INTRODUCED BY ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO REQUIRE A JUDICIAL DESIGNATION OF CERTAIN FELONY OFFENDERS AS PERSISTENT FELONY OFFENDERS FOR PURPOSES OF PAROLE ELIGIBILITY,~~ TO REQUIRE A JUDICIAL DESIGNATION OF CERTAIN FELONY OFFENDERS AS PERSISTENT FELONY OFFENDERS FOR PURPOSES OF PAROLE ELIGIBILITY; TO EQUALIZE GOOD TIME ALLOWANCES FOR ALL OFFENDERS; TO ALLOW INMATES GOOD TIME FOR DESIGNATED SELF-IMPROVEMENT ACTIVITIES; AMENDING SECTIONS ~~SECTIONS~~ SECTION 80-1905, 95-3214, AND 95-3215, 95-3214, AND 95-3215, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 80-1905, R.C.M. 1947, is amended to read as follows:

"80-1905. Good time allowance -- forfeiture -- probationers and parolees -- application of prior law -- ~~good--time--allowance--offenders.~~ (1) The state department of institutions shall adopt rules and regulations providing for the granting of good time allowance for inmates employed in any prison work or activity. The good time allowance shall operate as a credit on his sentence as imposed by the court, conditioned upon the inmate's good behavior and compliance

with the rules and regulations made by the department or the warden. ~~Except as provided in subsection (4),~~ The rules adopted by the department may not grant good time allowance to exceed:

- (a) ten (10) days per month for inmates assigned within the confines of the walls of the prison;
- (b) thirteen (13) days per month for those inmates placed outside the confines of the walls of the prison;
- (c) fifteen (15) days per month for those inmates who have been assigned outside the walls of the prison for an uninterrupted period of one year on a minimum status;
- (d) thirteen (13) days per month for those inmates enrolled in school inside the walls who successfully complete the course of study or who while so enrolled are released from prison by discharge or parole;
- (e) ten (10) days for each pint of blood donated by an inmate;
- (f) ~~three (3)~~ FIVE (5) days per month for those inmates participating in self-improvement activities designated by the department of institutions.

(2) In the event of an attempted escape by an inmate, or a violation of the rules and regulations prescribed by the department or warden, the inmate may be punished by the forfeiture of part or all good time allowances. The warden of the state prison shall advise the department of

1 institutions of any attempted escape or violation of rules
2 and regulations on the part of the inmate. Any punishment by
3 forfeiture of good time allowance must be approved by the
4 department.

5 (3) ~~The provisions of subsections (1) and (2) apply~~
6 This section applies to all persons who are on probation or
7 parole or eligible to be placed on probation or parole. No
8 person convicted and sentenced before April 1, 1955, shall
9 have his good time allowance reduced as a result of this
10 section.

11 ~~(4) The maximum allowances for good time described in~~
12 ~~subsection (1) shall be reduced for a person who has been~~
13 ~~convicted of a felony offense on more than two (2) occasions~~
14 ~~within a ten (10) year period; provided, however, for the~~
15 ~~purpose of determining such ten (10) year period, the time~~
16 ~~during which a person is incarcerated shall not be counted.~~
17 ~~The maximum amount of good time allowable for such a~~
18 ~~habitual offender shall be computed as follows:~~

19 (a) ~~five (5) days per month for inmates assigned~~
20 ~~within the confines of the walls of the prison;~~

21 (b) ~~eight (8) days per month for those inmates placed~~
22 ~~outside the confines of the walls of the prison;~~

23 (c) ~~ten (10) days per month for those inmates who have~~
24 ~~been assigned outside the walls of the prison for an~~
25 ~~uninterrupted period of one (1) year on a minimum status;~~

1 (d) ~~eight (8) days per month for those inmates~~
2 ~~enrolled in school inside the walls who successfully~~
3 ~~complete the course of study or who while so enrolled are~~
4 ~~released from prison by discharge or parole;~~

5 (e) ~~five (5) days for each pint of blood donated by an~~
6 ~~inmate;~~

7 (5) ~~No person convicted and sentenced before July 1,~~
8 ~~1974, shall have his good time allowance reduced as required~~
9 ~~by subsection (4)."~~

10 Section 27. There is a new R.C.M. section numbered
11 95-2206.5 that reads as follows:

12 95-2206.5. Judicial designation of persistent felony
13 offenders for purposes of parole eligibility. (1) When an
14 offender has been previously convicted of a felony and the
15 present offense is a second felony committed on a different
16 occasion than the first, the sentencing court shall
17 designate the offender a persistent felony offender for
18 purposes of eligibility for parole under section 95-3214,
19 provided:

20 (a) the previous felony conviction was for an offense
21 committed in this state or any other jurisdiction for which
22 a sentence to a term of imprisonment in excess of one (1)
23 year could have been imposed; and

24 (b) less than five (5) years have elapsed between the
25 commission of the present offense and either:

1 ~~{i}--the-previous-felony-conviction, or~~
2 ~~{ii}--the-offender's-release-on-parole-or-otherwise-from~~
3 ~~prison--or--other--commitment--imposed--as--a--result-of-the~~
4 ~~previous-felony-conviction; and~~
5 ~~{c}--the-offender-was-more-than-eighteen-(18)-years--of~~
6 ~~age-at-the-time-of-the-commission-of-the-present-offense~~
7 ~~{2}--A--previous--felony--conviction--shall--not--be~~
8 ~~considered-for-the-purposes-of-this-section-if-the--offender~~
9 ~~has--been--pardoned--on--the-grounds-of-innocence, or-if-the~~
10 ~~conviction--had--been--set--aside--in--any--post-conviction~~
11 ~~hearing;~~
12 Section-3,--Section-95-3214, R.C.M., 1947, is amended to
13 read as follows:
14 #95-3214,--Parole--authority--and--procedure,--(1)--The
15 board--shall--release-on-parole,--by--appropriate--order,--any
16 person--confined-in-the-Montana-state-prison,--except--persons
17 under-sentence-of--death,--when--in--its--opinion--there--is
18 reasonable--probability--that--the--prisoner-can-be-released
19 without-detriment-to-himself-or-to-the-community,--provided:
20 (a)--That--no--convict-serving-a-time-sentence--shall--be
21 paroled-until-he-has-served-at-least--one-quarter--(1/4)--of
22 his-full-term,--less-good-time-allowances-off,--as-provided-in
23 section--80-1905,--except--that--any--no--convict--designated--a
24 persistent-felony-offender-under-section--95-2206,5--may--be
25 paroled--until--he--has--served--at--least--one-third--(1/3)--of--his

1 ~~full-term,--less-good-time-allowances--off,--as--provided--in~~
2 ~~section--80-1905,--A--first-offender serving-a-time-sentence~~
3 ~~may-be-paroled--after--he--has--served,--upon--his--term--of~~
4 ~~sentence,--twelve-and-one-half--(12-1/2)--years,--A--persistent~~
5 ~~felony-offender-as--defined--in--section--95-2206,5--may--be~~
6 ~~paroled--after--he--has--served,--upon--his--term--of--sentence,~~
7 ~~seventeen-and-one-half--(17-1/2)--years;~~
8 ~~{b}--No--convict--serving--a--life--sentence--shall--be~~
9 ~~paroled--until--he--has--served--twenty-five--(25) thirty--(30)~~
10 ~~years,--less--the--good--time--allowances--off,--as--provided--in~~
11 ~~section--80-1905;~~
12 ~~{2}--Within--two--(2)--months--after--his--admission--and--at~~
13 ~~such-intervals--thereafter--as--it--determines,--the--board--shall~~
14 ~~consider--all--pertinent--information--regarding--each--prisoner,~~
15 ~~including--the--circumstances--of--his--offense,--his--previous~~
16 ~~social--history--and--criminal--record,--his--conduct,--employment,~~
17 ~~and--attitude--in--prison,--and--the--reports--of--and--physical--and~~
18 ~~mental--examinations--which--have--been--made;~~
19 ~~{3}--Before--ordering--the--parole--of--any--prisoner,--the~~
20 ~~board--shall--interview--him. A--parole--shall--be--ordered--only~~
21 ~~for--the--best--interest--of--society,--not--as--an--award--of~~
22 ~~mercy--or--a--reduction--of--sentence--or--pardon. A--prisoner~~
23 ~~shall--be--placed--on--parole--only--when--the--board--believes--that~~
24 ~~he--is--able--and--willing--to--fulfill--the--obligations--of--a~~
25 ~~law-abiding-citizen. Every-prisoner-while-on-parole--shall~~

1 remain in the legal custody of the institution from which he
2 was released, but shall be subject to the orders of the
3 board.

4 (4) The board may adopt other rules it considers
5 proper or necessary, with respect to the eligibility of
6 prisoners for parole, and the conduct of parole hearings or
7 conditions to be imposed upon parolees. When an order for
8 parole is issued it shall recite the conditions thereof.⁴

9 Section 4, Section 95-3215, R.C.M. 1947, is amended to
10 read as follows:

11 95-3215. Conditional release. A prisoner on parole
12 who has served one-fourth (1/4) of his term or terms, less
13 good-time allowances, or a persistent felony offender who
14 has served one-third (1/3) of his term or terms, less good
15 time allowances, is considered released on parole until the
16 expiration of the maximum term or terms for which he was
17 sentenced, less good-time allowances as provided in section
18 88-1905.⁴

19 SECTION 2. THERE IS A NEW R.C.M. SECTION NUMBERED
20 95-2206.5 THAT READS AS FOLLOWS:

21 95-2206.5. Judicial designation of persistent felony
22 offenders for purposes of parole eligibility. (1) When an
23 offender has been previously convicted of a felony and the
24 present offense is a second felony committed on a different
25 occasion than the first, the sentencing court shall

1 designate the offender a persistent felony offender for
2 purposes of eligibility for parole under section 95-3214,
3 provided:

4 (a) the previous felony conviction was for an offense
5 committed in this state or any other jurisdiction for which
6 a sentence to a term of imprisonment in excess of one (1)
7 year could have been imposed; and

8 (b) less than five (5) years have elapsed between the
9 commission of the present offense and either:

- 10 (i) the previous felony conviction, or
- 11 (ii) the offender's release on parole or otherwise from
12 prison or other commitment imposed as a result of the
13 previous felony conviction; and

14 (c) the offender was more than eighteen (18) years of
15 age at the time of the commission of the present offense.

16 (2) A previous felony conviction shall not be
17 considered for the purposes of this section if the offender
18 has been pardoned on the grounds of innocence, or if the
19 conviction had been set aside in any post-conviction
20 hearing.

21 (3) A judicial determination of persistent felony
22 offender under this section may be made only when the
23 conviction for the present offense occurs after July 1,
24 1975.

25 SECTION 3. SECTION 95-3214, R.C.M. 1947, IS AMENDED TO

1 READ AS FOLLOWS:

2 "95-3214. Parole authority and procedure. (1) The
3 board shall release on parole, by appropriate order, any
4 person confined in the Montana state prison, except persons
5 under sentence of death, when in its opinion there is
6 reasonable probability that the prisoner can be released
7 without detriment to himself or to the community, provided:

8 (a) That no convict serving a time sentence shall be
9 paroled until he has served at least one-quarter (1/4) of
10 his full term, less good time allowances off, as provided in
11 section 80-1905; except that any no convict designated a
12 persistent felony offender under section 95-2206.5 may be
13 paroled until he has served at least one-third (1/3) of his
14 full term, less good time allowances off, as provided in
15 section 80-1905. A first offender serving a time sentence
16 may be paroled after he has served, upon his term of
17 sentence, twelve and one-half (12 1/2) years. A persistent
18 felony offender as defined in section 95-2206.5 may be
19 paroled after he has served, upon his term of sentence,
20 seventeen and one-half (17 1/2) years.

21 (b) No convict serving a life sentence shall be
22 paroled until he has served ~~twenty-five--(25)~~ thirty (30)
23 years, less the good time allowances off, as provided in
24 section 80-1905.

25 (2) Within two (2) months after his admission and at

1 such intervals thereafter as it determines, the board shall
2 consider all pertinent information regarding each prisoner,
3 including the circumstances of his offense, his previous
4 social history and criminal record, his conduct, employment,
5 and attitude in prison, and the reports of and physical and
6 mental examinations which have been made.

7 (3) Before ordering the parole of any prisoner, the
8 board shall interview him. A parole shall be ordered only
9 for the best interest of society, not as an award of
10 clemency or a reduction of sentence or pardon. A prisoner
11 shall be placed on parole only when the board believes that
12 he is able and willing to fulfill the obligations of a
13 law-abiding citizen. Every prisoner while on parole shall
14 remain in the legal custody of the institution from which he
15 was released, but shall be subject to the orders of the
16 board.

17 (4) The board may adopt other rules it considers
18 proper or necessary, with respect to the eligibility of
19 prisoners for parole, and the conduct of parole hearings or
20 conditions to be imposed upon parolees. When an order for
21 parole is issued it shall recite the conditions thereof."

22 SECTION 4. SECTION 95-3215, R.C.M. 1947, IS AMENDED TO
23 READ AS FOLLOWS:

24 "95-3215. Conditional release. A prisoner on parole
25 who has served one-fourth (1/4) of his term or terms, less

1 good time allowances, or a persistent felony offender who
2 has served one-third (1/3) of his term or terms, less good
3 time allowances, is considered released on parole until the
4 expiration of the maximum term or terms for which he was
5 sentenced, less good time allowances as provided in section
6 80-1905."

-End-