

HOUSE BILL 396

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Judiciary.
January 31, 1979	Committee recommend bill, do pass.
February 1, 1979	Printed and placed on members' desks.
February 2, 1979	Second reading, do pass.
February 3, 1979	Considered correctly engrossed.
February 5, 1979	Third reading, passed.

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

March 7, 1979	Returned from Senate, not concurred.
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1 *House* BILL NO. *396*  
 2 INTRODUCED BY *Kathy Ramirez, Kessler Ellis,*  
 3 *Sivertsen, Heyser, Vernon O. Bartleson, George*  
 4 *L. Hirsch, Woodruff, Anderson, Conway*  
 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION

5 46-18-404, MCA, TO ELIMINATE THE DESIGNATION OF NONDANGEROUS  
 6 OFFENDER FOR THE PURPOSES OF ELIGIBILITY FOR PAROLE;  
 7 AMENDING SECTIONS 46-23-201 AND 46-23-216, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "46-23-201. Prisoners eligible for parole. (1) Subject  
 12 to the following restrictions, the board shall release on  
 13 parole by appropriate order any person confined in the  
 14 Montana state prison, except persons under sentence of death  
 15 and persons serving sentences imposed under 46-18-202(2),  
 16 when in its opinion there is reasonable probability that the  
 17 prisoner can be released without detriment to himself or to  
 18 the community:

19 (a) No convict serving a time sentence may be paroled  
 20 until he has served at least one-half of his full term, less  
 21 the good time allowance provided for in 53-30-105†~~except~~  
 22 ~~that a convict designated as a nondangerous offender under~~  
 23 ~~46-18-404 may be paroled after he has served one-quarter of~~  
 24 ~~his full term, less the good time allowance provided for in~~  
 25 53-30-105. Any offender serving a time sentence may be

1 paroled after he has served, upon his term of sentence,  
 2 17 1/2 years.

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

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

12 Section 2. Section 46-23-216, MCA, is amended to read:

13 "46-23-216. Duration of parole. (1) A prisoner on  
 14 parole who has served one-half of his term or terms, less  
 15 the good time allowance, ~~or a nondangerous offender on~~  
 16 ~~parole who has served one-quarter of his term or terms, less~~  
 17 ~~the good time allowance,~~ is considered released on parole  
 18 until the expiration of the maximum term or terms for which  
 19 he was sentenced, less the good time allowance as provided  
 20 for in 53-30-105.

21 (2) The period served on parole or conditional release  
 22 shall be deemed service of the term of imprisonment, and  
 23 subject to the provisions contained in 46-23-1023 through  
 24 46-23-1026 relating to a prisoner who is a fugitive from or  
 25 has fled from justice, the total time served may not exceed

-2- *HB 396*  
 INTRODUCED BILL

LC 0967/01

1 the maximum term or sentence. When a prisoner on parole or  
2 conditional release has performed the obligations of his  
3 release, the board shall make a final order or discharge and  
4 issue a certificate of discharge to the prisoner."

5 Section 3. Repealer. Section 46-18-404, MCA, is  
6 repealed.

-End-

Approved by Committee on Judiciary

1 *HOUSE* BILL NO. *396*  
 2 INTRODUCED BY *Keesler, Kammerer, Kessler, Ellis,*  
 3 *Sivertsen, Hays, Jensen, O. A. Peterson, George*  
 4 *L. Hirsch, Knutson, Anderson, Conway*  
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LC 0967/01

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-End-

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 2 INTRODUCED BY *Kathy Ramirez, Keele Ellis, Sivertsen, Kessler, Jensen, O. Burtless, Zilg, L. Hirsch, Kuntz, Anderson, Conway*

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