

SENATE BILL 487

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Judiciary.
February 13, 1979	Fiscal note requested.
February 19, 1979	Fiscal note returned.
April 20, 1979	Fiscal note returned.
April 20, 1979	Died in Committee.

1 INTRODUCTION BY Sen. Ryan Manley BILL NO. 487

2 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE PRISONER
3 FURLOUGH PROGRAM; AMENDING SECTIONS 46-18-202 AND 46-18-401,
4 MCA; AND REPEALING SECTIONS 46-23-401 THROUGH 46-23-426,
5 MCA."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7 Section 1. Section 46-18-202, MCA, is amended to read:
8 "46-18-202. Additional restrictions on sentence. (1)

9 The district court may also impose any of the following
10 restrictions or conditions on the sentence provided for in
11 46-18-201 which it considers necessary to obtain the
12 objectives of rehabilitation and the protection of society:

- 13 (a) prohibit the defendant the right to hold public
- 14 office;
- 15 (b) prohibit the defendant the right to own or carry a
- 16 dangerous weapon;
- 17 (c) prohibit freedom of association;
- 18 (d) prohibit freedom of movement;
- 19 (e) any other limitation reasonably related to the
- 20 objectives of rehabilitation and the protection of society.

21 (2) Whenever the district court imposes a sentence of
22 imprisonment in the state prison for a term exceeding 1

1 year, the court may also impose the restriction that the
2 defendant be ineligible for parole ~~and participation in the~~
3 ~~prisoner-furlough program~~ while serving his term. If such a
4 restriction is to be imposed, the court shall state the
5 reasons for it in writing. If the court finds that the
6 restriction is necessary for the protection of society, it
7 shall impose the restriction as part of the sentence and the
8 judgment shall contain a statement of the reasons for the
9 restriction.

10 (3) The judge in a justice's, city, or municipal court
11 does not have the authority to restrict an individual's
12 rights as enumerated in subsections (1) and (2)."

13 Section 2. Section 46-18-401, MCA, is amended to read:
14 "46-18-401. Merger of sentences. (1) Unless the judge
15 otherwise orders:

16 (a) when a person serving a term of commitment imposed
17 by a court in this state is committed for another offense,
18 the shorter term or shorter remaining term shall be merged
19 in the other term; and

20 (b) when a person under suspended sentence or on
21 probation for an offense committed in this state is
22 sentenced for another offense, the period still to be served
23 on suspended sentence or probation shall be merged in any
24 new sentence of commitment or probation.

25 (2) The court merging the sentences shall forthwith

1 furnish each of the other courts and penal institutions in
 2 which the defendant is confined under sentence with
 3 authenticated copies of its sentence, which shall cite the
 4 sentences being merged.

5 (3) If an unexpired sentence is merged pursuant to
 6 subsection (1), the court which imposed such sentence shall
 7 modify it in accordance with the effect of the merger.

8 (4) Separate sentences of two or more crimes shall run
 9 concurrently unless the court otherwise orders.

10 (5) Except as provided in this subsection, when a
 11 prisoner is sentenced for an offense committed while he was
 12 imprisoned in the state prison or while he was released on
 13 parole ~~or under the prisoner furlough program~~, the new
 14 sentence runs consecutively with the remainder of the
 15 original sentence. The prisoner starts serving the new
 16 sentence when the original sentence has expired or when he
 17 is released on parole under chapter 23, part 2, of this
 18 title in regard to the original sentence, whichever is
 19 sooner. In the latter case, the sentences run concurrently
 20 from the time of his release on parole."

21 Section 3. Transition. A prisoner who is participating
 22 in the prisoner furlough program on June 30, 1979, shall
 23 continue his participation, notwithstanding the provisions
 24 of this act, in accordance with the law in effect on that
 25 date. However, after that date no prisoner may apply to

1 participate.

2 Section 4. Repealer. Sections 46-23-401 through
 3 46-23-426, MCA, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 332-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 487 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to abolish the Prisoner Furlough Program.

ASSUMPTIONS:

1. Fifteen inmates participate in the program.
2. The Work Furlough Coordinator Position will be abolished.
3. Food costs are 85 cents/meal in FY80 and 89 cents per meal in FY81, and clothing costs are \$275/person for Prison inmates.
4. There will be a 5% increase per year for personal services, 6% per year for clothing, and 10% per year for food.

FISCAL IMPACT:

	<u>FY80</u>	<u>FY81</u>
Personal services	\$(15,105)	\$(15,860)
Operating expenses	<u>18,086</u>	<u>18,991</u>
Net additional cost of proposed legislation	<u>\$ 2,981</u>	<u>\$ 3,131</u>

The additional cost will accrue to the State General Fund.

COMMENTS:

The food and clothing costs were the only additional costs which could be specifically identified for the increased Prison population. There may be other costs which the Prison would incur for the additional fifteen inmates but these are not identifiable and, therefore, nothing is included for these in this Fiscal Note.

Richard L. Sawyer
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/19/79