

HOUSE BILL NO. 9

INTRODUCED BY YARDLEY

BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS POLICY
AND FACILITY NEEDS

IN THE HOUSE

January 6, 1981	Introduced and referred to Committee on Judiciary.
January 7, 1981	Fiscal note requested.
January 13, 1981	Fiscal note returned.
January 16, 1981	Committee recommend bill do pass as amended. Report adopted.
January 19, 1981	Bill printed and placed on members' desks.
	Second reading, do pass.
January 20, 1981	Correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 21, 1981	Introduced and referred to Committee on Judiciary.
March 9, 1981	Committee recommend bill be concurrent in as amended. Report adopted.
March 10, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 1.

IN THE HOUSE

March 13, 1981	Returned from Senate with amendments.
March 18, 1981	Second reading, amendments not concurred in. On motion Free Conference Committee requested and appointed.
March 26, 1981	Free Conference Committee reported and dissolved.
April 10, 1981	Second reading, Free Conference Committee report adopted. Third reading, Free Conference Committee report adopted. Ayes, 90; Noes, 4. Transmitted to Senate.

IN THE SENATE

April 23, 1981	Free Conference Committee report adopted.
----------------	---

IN THE HOUSE

April 23, 1981	Returned from Senate. Sent to enrolling. Reported correctly enrolled.
----------------	--

HOUSE BILL NO. 9

INTRODUCED BY YARDLEY

BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS POLICY
AND FACILITY NEEDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE LAW
RELATING TO GOOD TIME ALLOWANCE MORE RESTRICTIVE; AMENDING
SECTION 53-30-105, MCA."

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

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

"53-30-105. Good time allowance. (1) The department of
institutions shall adopt rules 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 made by the department or the warden. The rules
adopted by the department may not grant good time allowance
to exceed:

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

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

(c) 15 days per month for those inmates who have been

assigned outside the walls of the prison for an
uninterrupted period of 1 year on a minimum status;

(d) 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) 10 days for each pint of blood donated by an
inmate;~~

~~(f) 5 days per month for those inmates participating in
self-improvement activities designated by the department;~~

(2) In the event of an attempted escape by an inmate or
a violation of the rules 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 any attempted escape or
violation of rules on the part of the inmate. Any punishment
by forfeiture of good time allowance must be approved by the
department.

~~(3) This section applies to all persons who are on A
person may not earn good time under this section while he is
on probation or parole or eligible to be placed on probation
or parole. No person convicted and sentenced before April 1,
1955, shall have his good time allowance reduced as a result
of this section."~~

-End-

STATE OF MONTANA

REQUEST NO. 25-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 7, 1981, there is hereby submitted a Fiscal Note for House Bill #9 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 make the law relating to good time allowance more restrictive; Amending Section 53-30-105, MCA."

Assumptions:

1. Assume all inmates receive 5 days of good time per month.
2. Assume December 1980 is an average month.
3. Assume 343 inmates participated in self help groups.

Fiscal Impact:

	<u>FY 82</u>	<u>FY 83</u>
Operating Expenses	\$10,684	\$11,748
General Fund		

Daniel M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-12-81

Approved by Committee
on Judiciary

HOUSE BILL NO. 9

INTRODUCED BY YAROLEY

BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS POLICY

AND FACILITY NEEDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE LAW
RELATING TO GOOD TIME ALLOWANCE MORE RESTRICTIVE; AMENDING
SECTION 53-30-105, MCA."

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

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

"53-30-105. Good time allowance. (1) The department of
institutions shall adopt rules 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 made by the department or the warden. The rules
adopted by the department may not grant good time allowance
to exceed:

(a) 10 days per month for inmates assigned within--the
confines--of--the--walls--of--the--prison TO MAXIMUM, CLOSE, AND
MEDIUM I SECURITY CLASSIFICATIONS;

(b) 13 days per month for those inmates placed outside
the--confines--of--the--walls--of--the--prison CLASSIFIED AS MEDIUM

II AND MINIMUM SECURITY CLASSIFICATIONS;

(c) 15 days per month for those--inmates--who--have--been
assigned--outside--the--walls--of--the--prison--for--an
uninterrupted-period-of-1-year-on-a-minimum--status 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 inside-the-walls who successfully complete the course
of study or who while so enrolled are released from prison
by discharge or parole;

(e) 10 days for each--pint--of--blood--donated--by--an
inmate;

(f) 5--days--per-month-for-those-inmates-participating
in-self-improvement-activities-designated-by-the-department;

(2) In the event of an attempted escape by an inmate
or a violation of the rules 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 any attempted escape or
violation of rules on the part of the inmate. Any punishment
by forfeiture of good time allowance must be approved by the
department.

(3) This--section--applies--to--all--persons--who--are--on A
person may not earn good time under this section while he is
on probation or parole or eligible to be placed on probation

HB 0009/02

1 or-parole. No-person-convicted-and-sentenced-before-April-1,
2 1955, shall have his good-time allowance reduced as a result
3 of this section."

-End-

HOUSE BILL NO. 9

INTRODUCED BY YARDLEY

BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS POLICY

AND FACILITY NEEDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE LAW
RELATING TO GOOD TIME ALLOWANCE MORE RESTRICTIVE; AMENDING
SECTION 53-30-105, MCA."

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

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

"53-30-105. Good time allowance. (1) The department of
institutions shall adopt rules 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 made by the department or the warden. The rules
adopted by the department may not grant good time allowance
to exceed:

(a) 10 days per month for inmates assigned ~~within--the~~
~~confines--of--the--walls--of--the--prison~~ TO MAXIMUM, CLOSE, AND
MEDIUM I SECURITY CLASSIFICATIONS;

(b) 13 days per month for those ~~inmates-placed-outside~~
~~the-confines-of-the-walls-of-the-prison~~ CLASSIFIED AS MEDIUM

II. AND MINIMUM SECURITY CLASSIFICATIONS;

(c) 15 days per month for those ~~inmates-who-have--been~~
~~assigned--outside--the--walls--of--the--prison--for--an~~
~~uninterrupted-period-of-1-year-on-a-minimum--status~~ 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 ~~inside-the-walls~~ who successfully complete the course
of study or who while so enrolled are released from prison
by discharge or parole;

~~{e}--10-days-for-each--pint--of--blood--donated--by--an~~
~~inmate;~~

~~{f}--5--days--per-month-for-those-inmates-participating~~
~~in-self-improvement-activities-designated-by-the-department;~~

(2) In the event of an attempted escape by an inmate
or a violation of the rules 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 any attempted escape or
violation of rules on the part of the inmate. Any punishment
by forfeiture of good time allowance must be approved by the
department.

(3) ~~This--section--applies-to-all-persons-who-are-on~~ A
person may not earn good time under this section while he is
on probation or parole or eligible to be placed on probation

HB 0009/02

1 or-perote. No-person-convicted-and-sentenced-before-April-17
2 1955-shall-have-his-good-time-allowance-reduced-as-a-result
3 of-this-sections"

-End-

HOUSE BILL NO. 9

INTRODUCED BY YARDLEY

BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS POLICY
AND FACILITY NEEDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE LAW
RELATING TO GOOD TIME ALLOWANCE MORE RESTRICTIVE; AMENDING
SECTION 53-30-105, MCA."

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

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

"53-30-105. Good time allowance. (1) The department of
institutions shall adopt rules 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 made by the department or the warden. The rules
adopted by the department may not grant good time allowance
to exceed:

(a) 10 days per month for inmates assigned within--the
confines--of--the--walls--of--the--prison TO MAXIMUM, CLOSE, AND
MEDIUM I SECURITY CLASSIFICATIONS;

(b) 13 days per month for those inmates placed outside
the confines of the walls of the prison CLASSIFIED AS MEDIUM

II AND MINIMUM SECURITY CLASSIFICATIONS;

(c) 15 days per month for those inmates who have been
assigned outside the walls of the prison for an
uninterrupted period of 1 year on a minimum status 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 inside the walls who successfully complete the course
of study or who while so enrolled are released from prison
by discharge or parole;

~~(e) 10 days for each pint of blood donated by an
inmate~~

(E) 5 DAYS PER MONTH FOR THOSE INMATES PARTICIPATING
IN SELF-IMPROVEMENT ACTIVITIES DESIGNATED BY THE DEPARTMENT.

~~(f) 5 days per month for those inmates participating
in self-improvement activities designated by the department.~~

(2) In the event of an attempted escape by an inmate
or a violation of the rules 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 any attempted escape or
violation of rules on the part of the inmate. Any punishment
by forfeiture of good time allowance must be approved by the
department.

(3) ~~This section applies to all persons who are on A~~

1 ~~person may not earn good time under this section while he is~~
2 ~~on probation or parole or eligible to be placed on probation~~
3 ~~or parole. No person convicted and sentenced before April 1,~~
4 ~~1955, shall have his good time allowance reduced as a result~~
5 ~~of this section."~~

-End-

March 9, 1981

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 9 be amended as follows:

1. Page 2, lines 13 and 14.

Following: line 12

Insert: "(e) 5 days per month for those inmates participating in self improvement activities designated by the department."

HOUSE BILL NO. 9

INTRODUCED BY YARDLEY

BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS POLICY

AND FACILITY NEEDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE LAW
RELATING TO GOOD TIME ALLOWANCE MORE RESTRICTIVE; AMENDING
SECTION 53-30-105, MCA."

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

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

"53-30-105. Good time allowance. (1) The department of
institutions shall adopt rules 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 made by the department or the warden. The rules
adopted by the department may not grant good time allowance
to exceed:

(a) 10 days per month for inmates assigned within--the
confines--of--the--walls--of--the--prison TO MAXIMUM, CLOSE, AND
MEDIUM I SECURITY CLASSIFICATIONS;

(b) 13 days per month for those inmates--placed--outside
the--confines--of--the--walls--of--the--prison CLASSIFIED AS MEDIUM

II AND MINIMUM SECURITY CLASSIFICATIONS;

(c) 15 days per month for those--inmates--who--have--been
assigned--outside--the--walls--of--the--prison--for--an
uninterrupted--period--of--1--year--on--a--minimum--status 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 inside--the--walls who successfully complete the course
of study or who while so enrolled are released from prison
by discharge or parole;

(e)--10--days--for--each--pint--of--blood--donated--by--an
inmate;

(E) 3 DAYS PER MONTH FOR THOSE INMATES PARTICIPATING
IN SELF-IMPROVEMENT ACTIVITIES DESIGNATED BY THE DEPARTMENT.

(E)--5--DAYS--PER--MONTH--FOR--THOSE--INMATES--PARTICIPATING
IN SELF-IMPROVEMENT ACTIVITIES DESIGNATED BY THE DEPARTMENT.

(f)--5--days--per--month--for--those--inmates--participating
in-self-improvement-activities-designated-by-the-department;

(2) In the event of an attempted escape by an inmate
or a violation of the rules 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 any attempted escape or
violation of rules on the part of the inmate. Any punishment
by forfeiture of good time allowance must be approved by the

1 department.

2 (3) ~~This section applies to all persons who are on A~~
3 ~~person may not earn good time under this section while he is~~
4 ~~on probation or parole or eligible to be placed on probation~~
5 ~~or parole. No person convicted and sentenced before April 1,~~
6 ~~1955, shall have his good time allowance reduced as a result~~
7 ~~of this section.~~"

-End-