

HOUSE BILL NO. 316

INTRODUCED BY GOULD

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 19, 1981	Introduced and referred to Committee on Judiciary.
January 29, 1981	Committee recommend bill do pass and be placed on consent calendar. Report adopted.
January 30, 1981	Considered correctly engrossed.
February 3, 1981	Consent calendar, do pass. Transmitted to Senate.

IN THE SENATE

February 4, 1981	Introduced and referred to Committee on Judiciary.
March 16, 1981	On motion bill taken from Committee on Bills and Journal and referred to Committee on Judiciary. Motion adopted.
March 25, 1981	Committee recommend bill be concurred in. Report adopted.
March 27, 1981	Second reading, concurred in.
March 30, 1981	Motion pass consideration.
March 31, 1981	On motion rules suspended. Bill allowed to be transmitted on 71st legislative day. Motion adopted.
	Third reading, concurred in. Ayes, 46; Noes, 4.

IN THE HOUSE

April 1, 1981

Returned from Senate.  
Concurred in. Sent to  
enrolling.

Reported correctly enrolled.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBSTITUTE THE  
 6 DEPARTMENT OF INSTITUTIONS FOR THE BOARD OF PARDONS WITH  
 7 REGARD TO JURISDICTION OVER CERTAIN PRISONERS AND CONDUCT OF  
 8 HEARINGS FOR CERTAIN PRISONERS; AMENDING SECTIONS 46-18-203  
 9 AND 46-23-422, MCA."  
 10

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

12 Section 1. Section 46-18-203, MCA, is amended to read:

13 "46-18-203. Revocation of suspended or deferred  
 14 sentence. A judge, magistrate, or justice of the peace who  
 15 has suspended the execution of a sentence or deferred the  
 16 imposition of a sentence of imprisonment under 46-18-201 or  
 17 his successor is authorized, during the period of the  
 18 suspended sentence or deferred imposition of sentence, in  
 19 his discretion, to revoke the suspension or impose sentence  
 20 and order the person committed. He may also, in his  
 21 discretion, order the prisoner placed under the jurisdiction  
 22 of the ~~board--of--pardons~~ department of institutions as  
 23 provided by law or retain such jurisdiction with his court.  
 24 Prior to the revocation of an order suspending or deferring  
 25 the imposition of sentence, the person affected shall be

1 given a hearing."

2 Section 2. Section 46-23-422, MCA, is amended to read:

3 "46-23-422. Violation of furlough agreement by  
 4 prisoner. (1) If any prisoner released from actual prison  
 5 confinement under the furlough program fails to comply with  
 6 the rules of the furlough agreement, he shall be called by  
 7 the department or by the supervising agency to appear before  
 8 the department or supervising agency.

9 (2) If a conference is not sufficient to resolve the  
 10 situation and if the prisoner continues in his  
 11 noncompliance, the prisoner shall be granted a hearing on  
 12 the violation within a reasonable time on or near the site  
 13 of the alleged violation to determine whether a violation of  
 14 the furlough agreement exists. The prisoner may be  
 15 represented by counsel at the hearing at his own expense.  
 16 The hearing shall be conducted by a hearing officer of the  
 17 ~~board-of-pardons~~ department of institutions. The prisoner on  
 18 furlough shall have all opportunities provided under  
 19 46-23-1024 and 46-23-1025 pertaining to on-site hearings for  
 20 parole revocation. If reasonable grounds are established for  
 21 violation of the furlough agreement, the furlough shall be  
 22 cancelled and the prisoner shall be returned to the prison.

23 (3) At the next meeting of the board of pardons after  
 24 the return of the prisoner to the prison, the prisoner shall  
 25 be granted a due process hearing in order to determine if

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1 the prisoner has in fact violated the terms of the  
2 prisoner's furlough release. If it is determined that the  
3 prisoner has in fact violated the terms of the prisoner's  
4 furlough, the prisoner shall remain at the prison. If the  
5 terms of the prisoner's release have not been violated, the  
6 prisoner's case shall be assigned to a parole agent and a  
7 new furlough arrangement shall be worked out.\*

-End-

SECOND READING BILL  
WAS NOT PRINTED.

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