

HOUSE BILL NO. 200

INTRODUCED BY WALDRON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 16, 1985	Introduced and referred to Committee on Judiciary.
January 24, 1985	Committee recommend bill do pass as amended. Report adopted.
January 25, 1985	Bill printed and placed on members' desks.
January 26, 1985	Second reading, pass consideration.
January 29, 1985	On motion, consideration passed until 22nd Legislative Day.
February 1, 1985	Second reading, do pass as amended.
February 2, 1985	Correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 65; Noes, 35.
	Transmitted to Senate.

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on Judiciary.
March 19, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 22, 1985	Second reading, concurred in.

March 25, 1985

Third reading, concurred in.
Ayes, 48; Noes, 1.

Returned to House with
amendments.

IN THE HOUSE

March 26, 1985

Received from Senate.

April 2, 1985

Second reading, amendments
concurred in.

April 3, 1985

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 200
2 INTRODUCED BY Walden
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 2,
6 CHAPTER 235, LAWS OF 1983, TO EXTEND UNTIL JULY 1, 1987, THE
7 EARLY PAROLE PROVISIONS OF SECTION 46-23-201, MCA, TO
8 RELIEVE PRISON OVERCROWDING; AND PROVIDING AN EFFECTIVE
9 DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 2, Chapter 235, Laws of 1983, is
13 amended to read:

14 "Section 2. Termination date. The provisions enacted
15 in (3) and (4) of section 1 of this act terminate on July 1,
16 ~~1985~~ 1987."

17 NEW SECTION. Section 2. Effective date. This act is
18 effective July 1, 1985.

-End-



INTRODUCED BILL
HB 200

APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE BILL NO. 200
2 INTRODUCED BY WALDRON
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 2,
6 CHAPTER 235, LAWS OF 1983, TO EXTEND UNTIL 30 DAYS AFTER
7 COMPLETION OF THE MONTANA STATE PRISON ADDITION OR JULY 1,
8 1987, WHICHEVER IS EARLIER, THE EARLY PAROLE PROVISIONS OF
9 SECTION 46-23-201, MCA, TO RELIEVE PRISON OVERCROWDING; AND
10 PROVIDING AN EFFECTIVE DATE."

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

13 Section 1. Section 2, Chapter 235, Laws of 1983, is
14 amended to read:

15 "Section 2. Termination date. The provisions enacted
16 in (3) and (4) of section 1 of this act terminate on 30 DAYS
17 AFTER THE PRISON HOUSING UNITS FUNDED IN HB 833 OF THE 48TH
18 LEGISLATURE ARE OCCUPIED, BUT IN NO EVENT SHALL THAT DATE
19 EXTEND BEYOND July 1, 1985 1987."

20 NEW SECTION. Section 2. Effective date. This act is
21 effective July 1, 1985.

-End-



SECOND READING

HB 200

HOUSE BILL NO. 200

INTRODUCED BY WALDRON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 2, CHAPTER 235, LAWS OF 1983, TO EXTEND UNTIL 30 DAYS AFTER COMPLETION OCCUPATION OF THE MONTANA STATE PRISON ADDITION OR JULY--17--1987, WHICHEVER--IS--EARLIER, THE EARLY PAROLE PROVISIONS ~~OF SECTION 46-23-201, MCA,~~ USED TO RELIEVE PRISON OVERCROWDING; CHANGING, AS OF 30 DAYS AFTER COMPLETION OF THE MONTANA STATE PRISON ADDITION, THE POPULATION FIGURES THAT WILL BE APPLIED IN THE EARLY PAROLE PROVISIONS; AMENDING SECTION 46-23-201, MCA; REPEALING, AS OF 30 DAYS AFTER COMPLETION OF THE MONTANA STATE PRISON ADDITION, SECTION 2, CHAPTER 235, LAWS OF 1983; AND PROVIDING AN EFFECTIVE DATE DATES."

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

Section 1. Section 2, Chapter 235, Laws of 1983, is amended to read:

"Section 2. Termination date. The provisions enacted in (3) and (4) of section 1 of this act terminate on 30 DAYS AFTER THE PRISON HOUSING UNITS FUNDED IN HB 833 OF THE 48TH LEGISLATURE ARE OCCUPIED, ~~BUT IN NO EVENT SHALL THAT DATE EXTEND BEYOND July-17-1985 1987.~~"

~~NEW SECTION:--Section-2--Effective-date--This-act--is effective-July-17-1985.~~

SECTION 2. SECTION 46-23-201, MCA, IS AMENDED TO READ:

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

(a) No convict serving a time sentence may be paroled until he has served at least one-half of his full term, less the good time allowance provided for in 53-30-105; except that a convict designated as a nondangerous offender under 46-18-404 may be paroled after he has served one-quarter of his full term, less the good time allowance provided for in 53-30-105. Any offender serving a time sentence may be paroled after he has served, upon his term of sentence, 17 1/2 years.

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

(2) A parole shall be ordered only for the best

1 interests of society and not as an award of clemency or a
 2 reduction of sentence or pardon. A prisoner shall be placed
 3 on parole only when the board believes that he is able and
 4 willing to fulfill the obligations of a law-abiding citizen.

5 (3) If the department of institutions certifies to the
 6 board that the population at the Montana state prison
 7 exceeds its design capacity of 545 744 by 215 96 inmates or
 8 that the population at the women's correction center exceeds
 9 its design capacity of 35 inmates and that the prison or the
 10 center has exceeded its capacity for a period of more than
 11 30 days, the board shall consider convicts in the
 12 institution in which the design capacity has been exceeded
 13 eligible for parole 120 days prior to the eligibility date
 14 provided for in subsection (1).

15 (4) Regardless of length of sentence, if the
 16 conditions of parole eligibility are met within the initial
 17 12 months of incarceration at Montana state prison, the
 18 provisions of subsection (3) do not apply. (Subsections (3)
 19 and (4) terminate July 1, 1985--sec. 2, Ch. 235, L. 1983.)"

20 NEW SECTION. SECTION 3. REPEALER. SECTION 2, CHAPTER
 21 235, LAWS OF 1983, IS REPEALED.

22 NEW SECTION. SECTION 4. EFFECTIVE DATES. (1) SECTION
 23 1 IS EFFECTIVE ON PASSAGE AND APPROVAL.

24 (2) SECTIONS 2 AND 3 ARE EFFECTIVE 30 DAYS AFTER THE
 25 GOVERNOR DECLARES BY EXECUTIVE ORDER THAT THE PRISON HOUSING

1 UNITS FUNDED IN HB 833 OF THE 48TH LEGISLATURE ARE OCCUPIED.

-End-

STANDING COMMITTEE REPORT

SENATE

March 19 19 85

MR. PRESIDENT

We, your committee on..... JUDICIARY.....

having had under consideration..... HOUSE BILL..... No. 200.....

third reading copy (blue)
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(Senator Crippen)

EXTENDING EARLY PAROLE AUTHORITY TO RELIEVE PRISON OVERCROWDING

Respectfully report as follows: That..... HOUSE BILL..... No. 200.....

be amended as follows:

1. Title, lines 5 and 6.
Following: "TO" on line 5
Strike: remainder of line 5 through "TO" on line 6
2. Title, lines 13 and 14.
Following: "REPEALING" on line 13
Strike: remainder of line 13 through line 14
3. Page 1, lines 19 through 25.
Strike: section 1 in its entirety
Renumber: subsequent sections
4. Page 3, line 23.
Following: line 22
Strike: "1 IS"
Insert: "2 and this section are"
5. Page 3, line 24.
Following: "(2)"
Strike: "SECTIONS 2 AND 3 ARE"
Insert: "Section 1 is"

AND AS AMENDED

BE CONCURRED IN

XXXXXX

XXXXXXXXXXXX

.....
Senator Joe Mazurek

Chairman.

HOUSE BILL NO. 200

INTRODUCED BY WALDRON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND ~~SECTION 2, CHAPTER 235, LAWS OF 1983, TO~~ EXTEND UNTIL 30 DAYS AFTER COMPLETION OCCUPATION OF THE MONTANA STATE PRISON ADDITION OR JULY 17, 1987, WHICHEVER IS EARLIER, THE EARLY PAROLE PROVISIONS ~~OF SECTION 46-23-201, MCA, USED~~ TO RELIEVE PRISON OVERCROWDING; CHANGING, AS OF 30 DAYS AFTER COMPLETION OF THE MONTANA STATE PRISON ADDITION, THE POPULATION FIGURES THAT WILL BE APPLIED IN THE EARLY PAROLE PROVISIONS; AMENDING SECTION 46-23-201, MCA; REPEALING, AS OF 30 DAYS AFTER COMPLETION OF THE MONTANA STATE PRISON ADDITION, SECTION 2, CHAPTER 235, LAWS OF 1983; AND PROVIDING AN EFFECTIVE DATE DATES."

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

~~Section 1, Section 2, Chapter 235, Laws of 1983, is amended to read:~~

~~"Section 2, Termination date. The provisions enacted in (3) and (4) of section 1 of this act terminate on 30 DAYS AFTER THE PRISON HOUSING UNITS FUNDED IN HB 833 OF THE 48TH LEGISLATURE ARE OCCUPIED, BUT IN NO EVENT SHALL THAT DATE EXTEND BEYOND July 17, 1985 1987."~~

~~NEW SECTION, Section 2, Effective date. This act is effective July 17, 1985.~~

SECTION 1. SECTION 46-23-201, MCA, IS AMENDED TO READ:

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

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

(2) A parole shall be ordered only for the best

REFERENCE BILL

1 interests of society and not as an award of clemency or a
2 reduction of sentence or pardon. A prisoner shall be placed
3 on parole only when the board believes that he is able and
4 willing to fulfill the obligations of a law-abiding citizen.

5 (3) If the department of institutions certifies to the
6 board that the population at the Montana state prison
7 exceeds its design capacity of 545 744 by 215 96 inmates or
8 that the population at the women's correction center exceeds
9 its design capacity of 35 inmates and that the prison or the
10 center has exceeded its capacity for a period of more than
11 30 days, the board shall consider convicts in the
12 institution in which the design capacity has been exceeded
13 eligible for parole 120 days prior to the eligibility date
14 provided for in subsection (1).

15 (4) Regardless of length of sentence, if the
16 conditions of parole eligibility are met within the initial
17 12 months of incarceration at Montana state prison, the
18 provisions of subsection (3) do not apply. (Subsections (3)
19 and (4) terminate July 1, 1985--sec. 2, Ch. 235, L. 1983.)"

20 NEW SECTION. SECTION 2. REPEALER. SECTION 2, CHAPTER
21 235, LAWS OF 1983, IS REPEALED.

22 NEW SECTION. SECTION 3. EFFECTIVE DATES. (1) SECTION
23 ~~1--IS~~ 2 AND THIS SECTION ARE EFFECTIVE ON PASSAGE AND
24 APPROVAL.

25 (2) ~~SECTIONS-2-AND-3-ARE~~ SECTION 1 IS EFFECTIVE 30

1 DAYS AFTER THE GOVERNOR DECLARES BY EXECUTIVE ORDER THAT THE
2 PRISON HOUSING UNITS FUNDED IN HB 833 OF THE 48TH
3 LEGISLATURE ARE OCCUPIED.

-End-