

SENATE BILL NO. 324
INTRODUCED BY BECK, CAMPBELL

IN THE SENATE

FEBRUARY 2, 1989	RULES SUSPENDED TO ALLOW INTRODUCTION. INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING.
FEBRUARY 6, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 7, 1989	PRINTING REPORT.
FEBRUARY 9, 1989	SECOND READING, DO PASS.
FEBRUARY 10, 1989	ENGROSSING REPORT.
FEBRUARY 11, 1989	THIRD READING, PASSED. AYES, 46; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	PASSED CONSIDERATION FOR THE DAY.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 93; NOES, 2. RETURNED TO SENATE.

MARCH 8, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *324*
2 INTRODUCED BY *Beck Campbell*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A COURT TO
5 DISCHARGE A PROBATIONER FROM SUPERVISION BEFORE EXPIRATION
6 OF HIS SENTENCE; PERMITTING THE BOARD OF PARDONS TO
7 DISCHARGE A PAROLEE FROM SUPERVISION BEFORE EXPIRATION OF
8 HIS SENTENCE; AMENDING SECTIONS 46-23-1011 AND 46-23-1021,
9 MCA; AND PROVIDING AN APPLICABILITY DATE."

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

12 **Section 1.** Section 46-23-1011, MCA, is amended to
13 read:

14 "46-23-1011. Supervision on probation. (1) The
15 department shall supervise persons during their probation
16 period in accord with the conditions set by a court.

17 (2) A copy of the conditions of probation shall be
18 signed by the probationer and given to him and his probation
19 and parole officer, who shall report on his progress under
20 rules of the court.

21 (3) The probation and parole officer shall regularly
22 advise and consult with the probationer to encourage him to
23 improve his condition and conduct and inform him of
24 restoration of his rights on successful completion of his
25 sentence.

1 (4) The probation and parole officer may recommend and
2 a court may modify any condition of probation or suspension
3 of sentence at any time. Notice shall be given to the
4 probation and parole officer before any condition is
5 modified, and he shall be given an opportunity to present
6 his ideas or recommendations on any modification. A copy of
7 a modification of conditions shall be delivered to the
8 probation and parole officer and the probationer.

9 (5) The probation and parole officer shall keep
10 records as the department or the court may require.

11 (6) (a) Upon recommendation of the probation and
12 parole officer, a court may discharge a probationer from
13 supervision before expiration of his sentence if the court
14 determines that discharge from supervision is in the best
15 interests of the probationer and society.

16 (b) Nothing in subsection (6)(a) prohibits a court
17 from revoking the order suspending execution or deferring
18 imposition of sentence, as provided in 46-18-203, for a
19 probationer who has been discharged from supervision."

20 **Section 2.** Section 46-23-1021, MCA, is amended to
21 read:

22 "46-23-1021. Supervision on parole. (1) The department
23 shall retain custody of all persons placed on parole and
24 shall supervise the persons during their parole period in
25 accord with the conditions set by the board.

(2) The department shall assign personnel to assist persons eligible for parole in preparing a parole plan. Department personnel shall make a report of their efforts and findings to the board prior to its consideration of the case of the eligible person.

(3) A copy of the conditions of his parole shall be signed by the parolee and given to him and to his probation and parole officer, who shall report on his progress under the rules of the board.

(4) The probation and parole officer shall regularly advise and consult with the parolee, assist him in adjusting to community life, and inform him of the restoration of his rights on successful completion of sentence.

(5) The probation and parole officer shall keep such records as the board or department may require. All records shall be entered in the master file of the individual.

(6) (a) Upon recommendation of the probation and parole officer, the board may discharge a parolee from supervision before expiration of his sentence if the board determines that discharge from supervision is in the best interests of the parolee and society.

(b) Nothing in subsection (6)(a) prohibits the board from revoking the parole, as provided in 46-23-1025, of a parolee who has been discharged from supervision.

Section 3. Extension of authority. Any existing

authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

Section 4. Applicability. [This act] applies to persons under probation or parole supervision on or after [the effective date of this act].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 324

INTRODUCED BY BECK, CAMPBELL

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A COURT TO
CONDITIONALLY DISCHARGE A PROBATIONER FROM SUPERVISION
BEFORE EXPIRATION OF HIS SENTENCE; PERMITTING THE BOARD OF
PARDONS TO CONDITIONALLY DISCHARGE A PAROLEE FROM
SUPERVISION BEFORE EXPIRATION OF HIS SENTENCE; AMENDING
SECTIONS 46-23-1011 AND 46-23-1021, MCA; AND PROVIDING AN
APPLICABILITY DATE."

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

Section 1. Section 46-23-1011, MCA, is amended to
read:

"46-23-1011. Supervision on probation. (1) The
department shall supervise persons during their probation
period in accord with the conditions set by a court.

(2) A copy of the conditions of probation shall be
signed by the probationer and given to him and his probation
and parole officer, who shall report on his progress under
rules of the court.

(3) The probation and parole officer shall regularly
advise and consult with the probationer to encourage him to
improve his condition and conduct and inform him of
restoration of his rights on successful completion of his

sentence.

(4) The probation and parole officer may recommend and
a court may modify any condition of probation or suspension
of sentence at any time. Notice shall be given to the
probation and parole officer before any condition is
modified, and he shall be given an opportunity to present
his ideas or recommendations on any modification. A copy of
a modification of conditions shall be delivered to the
probation and parole officer and the probationer.

(5) The probation and parole officer shall keep
records as the department or the court may require.

(6) (a) Upon recommendation of the probation and
parole officer, a court may CONDITIONALLY discharge a
probationer from supervision before expiration of his
sentence if the court determines that A CONDITIONAL
discharge from supervision is in the best interests of the
probationer and society.

(b) Nothing in subsection (6)(a) prohibits a court
from revoking the order suspending execution or deferring
imposition of sentence, as provided in 46-18-203, for a
probationer who has been CONDITIONALLY discharged from
supervision."

Section 2. Section 46-23-1021, MCA, is amended to
read:

"46-23-1021. Supervision on parole. (1) The department

1 shall retain custody of all persons placed on parole and
2 shall supervise the persons during their parole period in
3 accord with the conditions set by the board.

4 (2) The department shall assign personnel to assist
5 persons eligible for parole in preparing a parole plan.
6 Department personnel shall make a report of their efforts
7 and findings to the board prior to its consideration of the
8 case of the eligible person.

9 (3) A copy of the conditions of his parole shall be
10 signed by the parolee and given to him and to his probation
11 and parole officer, who shall report on his progress under
12 the rules of the board.

13 (4) The probation and parole officer shall regularly
14 advise and consult with the parolee, assist him in adjusting
15 to community life, and inform him of the restoration of his
16 rights on successful completion of sentence.

17 (5) The probation and parole officer shall keep such
18 records as the board or department may require. All records
19 shall be entered in the master file of the individual.

20 (6) (a) Upon recommendation of the probation and
21 parole officer, the board may CONDITIONALLY discharge a
22 parolee from supervision before expiration of his sentence
23 if the board determines that A CONDITIONAL discharge from
24 supervision is in the best interests of the parolee and
25 society.

1 (b) Nothing in subsection (6)(a) prohibits the board
2 from revoking the parole, as provided in 46-23-1025, of a
3 parolee who has been CONDITIONALLY discharged from
4 supervision."

5 NEW SECTION. Section 3. Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. Section 4. Applicability. [This act]
10 applies to persons under probation or parole supervision on
11 or after [the effective date of this act].

-End-

SENATE BILL NO. 324

INTRODUCED BY BECK, CAMPBELL

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A COURT TO CONDITIONALLY DISCHARGE A PROBATIONER FROM SUPERVISION BEFORE EXPIRATION OF HIS SENTENCE; PERMITTING THE BOARD OF PARDONS TO CONDITIONALLY DISCHARGE A PAROLEE FROM SUPERVISION BEFORE EXPIRATION OF HIS SENTENCE; AMENDING SECTIONS 46-23-1011 AND 46-23-1021, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 46-23-1011, MCA, is amended to read:

"46-23-1011. Supervision on probation. (1) The department shall supervise persons during their probation period in accord with the conditions set by a court.

(2) A copy of the conditions of probation shall be signed by the probationer and given to him and his probation and parole officer, who shall report on his progress under rules of the court.

(3) The probation and parole officer shall regularly advise and consult with the probationer to encourage him to improve his condition and conduct and inform him of restoration of his rights on successful completion of his

sentence.

(4) The probation and parole officer may recommend and a court may modify any condition of probation or suspension of sentence at any time. Notice shall be given to the probation and parole officer before any condition is modified, and he shall be given an opportunity to present his ideas or recommendations on any modification. A copy of a modification of conditions shall be delivered to the probation and parole officer and the probationer.

(5) The probation and parole officer shall keep records as the department or the court may require.

(6) (a) Upon recommendation of the probation and parole officer, a court may **CONDITIONALLY** discharge a probationer from supervision before expiration of his sentence if the court determines that **A CONDITIONAL discharge from supervision is in the best interests of the probationer and society.**

(b) Nothing in subsection (6)(a) prohibits a court from revoking the order suspending execution or deferring imposition of sentence, as provided in 46-18-203, for a probationer who has been **CONDITIONALLY** discharged from supervision."

Section 2. Section 46-23-1021, MCA, is amended to read:

"46-23-1021. Supervision on parole. (1) The department

1 shall retain custody of all persons placed on parole and
2 shall supervise the persons during their parole period in
3 accord with the conditions set by the board.

4 (2) The department shall assign personnel to assist
5 persons eligible for parole in preparing a parole plan.
6 Department personnel shall make a report of their efforts
7 and findings to the board prior to its consideration of the
8 case of the eligible person.

9 (3) A copy of the conditions of his parole shall be
10 signed by the parolee and given to him and to his probation
11 and parole officer, who shall report on his progress under
12 the rules of the board.

13 (4) The probation and parole officer shall regularly
14 advise and consult with the parolee, assist him in adjusting
15 to community life, and inform him of the restoration of his
16 rights on successful completion of sentence.

17 (5) The probation and parole officer shall keep such
18 records as the board or department may require. All records
19 shall be entered in the master file of the individual.

20 (6) (a) Upon recommendation of the probation and
21 parole officer, the board may CONDITIONALLY discharge a
22 parolee from supervision before expiration of his sentence
23 if the board determines that A CONDITIONAL discharge from
24 supervision is in the best interests of the parolee and
25 society.

1 (b) Nothing in subsection (6)(a) prohibits the board
2 from revoking the parole, as provided in 46-23-1025, of a
3 parolee who has been CONDITIONALLY discharged from
4 supervision."

5 NEW SECTION. Section 3. Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. Section 4. Applicability. [This act]
10 applies to persons under probation or parole supervision on
11 or after [the effective date of this act].

-End-

SENATE BILL NO. 324

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A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A COURT TO CONDITIONALLY DISCHARGE A PROBATIONER FROM SUPERVISION BEFORE EXPIRATION OF HIS SENTENCE; PERMITTING THE BOARD OF PARDONS TO CONDITIONALLY DISCHARGE A PAROLEE FROM SUPERVISION BEFORE EXPIRATION OF HIS SENTENCE; AMENDING SECTIONS 46-23-1011 AND 46-23-1021, MCA; AND PROVIDING AN APPLICABILITY DATE."

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Section 1. Section 46-23-1011, MCA, is amended to read:

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(2) A copy of the conditions of probation shall be signed by the probationer and given to him and his probation and parole officer, who shall report on his progress under rules of the court.

(3) The probation and parole officer shall regularly advise and consult with the probationer to encourage him to improve his condition and conduct and inform him of restoration of his rights on successful completion of his

sentence.

(4) The probation and parole officer may recommend and a court may modify any condition of probation or suspension of sentence at any time. Notice shall be given to the probation and parole officer before any condition is modified, and he shall be given an opportunity to present his ideas or recommendations on any modification. A copy of a modification of conditions shall be delivered to the probation and parole officer and the probationer.

(5) The probation and parole officer shall keep records as the department or the court may require.

(6) (a) Upon recommendation of the probation and parole officer, a court may CONDITIONALLY discharge a probationer from supervision before expiration of his sentence if the court determines that A CONDITIONAL discharge from supervision is in the best interests of the probationer and society.

(b) Nothing in subsection (6)(a) prohibits a court from revoking the order suspending execution or deferring imposition of sentence, as provided in 46-18-203, for a probationer who has been CONDITIONALLY discharged from supervision."

Section 2. Section 46-23-1021, MCA, is amended to read:

"46-23-1021. Supervision on parole. (1) The department

1 shall retain custody of all persons placed on parole and
2 shall supervise the persons during their parole period in
3 accord with the conditions set by the board.

4 (2) The department shall assign personnel to assist
5 persons eligible for parole in preparing a parole plan.
6 Department personnel shall make a report of their efforts
7 and findings to the board prior to its consideration of the
8 case of the eligible person.

9 (3) A copy of the conditions of his parole shall be
10 signed by the parolee and given to him and to his probation
11 and parole officer, who shall report on his progress under
12 the rules of the board.

13 (4) The probation and parole officer shall regularly
14 advise and consult with the parolee, assist him in adjusting
15 to community life, and inform him of the restoration of his
16 rights on successful completion of sentence.

17 (5) The probation and parole officer shall keep such
18 records as the board or department may require. All records
19 shall be entered in the master file of the individual.

20 (6) (a) Upon recommendation of the probation and
21 parole officer, the board may CONDITIONALLY discharge a
22 parolee from supervision before expiration of his sentence
23 if the board determines that A CONDITIONAL discharge from
24 supervision is in the best interests of the parolee and
25 society.

1 (b) Nothing in subsection (6)(a) prohibits the board
2 from revoking the parole, as provided in 46-23-1025, of a
3 parolee who has been CONDITIONALLY discharged from
4 supervision."

5 NEW SECTION. Section 3. Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. Section 4. Applicability. [This act]
10 applies to persons under probation or parole supervision on
11 or after [the effective date of this act].

-End-