

SENATE BILL NO. 323

INTRODUCED BY CHRISTIAENS, FAGG

IN THE SENATE

FEBRUARY 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 20, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 22, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 27, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 30, 1993	SECOND READING, CONCURRED IN.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 79; NOES, 19.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 6, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Sarah* BILL NO. **323**  
 2 INTRODUCED BY *Christina Fagg*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 ESTABLISHMENT OF A SHOCK INCARCERATION PROGRAM FOR YOUTHFUL  
 6 OFFENDERS CONVICTED OF CERTAIN FELONIES; PROVIDING FOR  
 7 POTENTIAL SENTENCE REDUCTION FOR SUCCESSFUL COMPLETION OF  
 8 THE PROGRAM; PROVIDING GUIDELINES FOR THE PROGRAM; AND  
 9 PROVIDING AN EFFECTIVE DATE."

10  
 11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because  
 13 it authorizes the department of corrections and human  
 14 services to adopt rules concerning the establishment and  
 15 operation of the shock incarceration program. It is the  
 16 intent of the legislature that in adopting rules the  
 17 department look to provisions adopted in other states that  
 18 operate successful "boot camp" type programs for youthful  
 19 offenders.

20  
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 NEW SECTION. Section 1. Definitions. As used in  
 23 [sections 1 through 3], unless the context requires  
 24 otherwise, the following definitions apply:

25 (1) "Department" means the department of corrections

1 and human services provided for in 2-15-2301.

2 (2) "Reduction of sentence" includes changing an  
 3 incarceration sentence to a grant of probation.

4 NEW SECTION. Section 2. Sentence reduction for  
 5 youthful offenders. A sentencing court retains jurisdiction  
 6 for purposes of this section. A sentencing court may order a  
 7 reduction of sentence for a convicted offender who:

8 (1) is certified by the department as having  
 9 successfully completed the shock incarceration program; and

10 (2) applies to the court within 1 year after beginning  
 11 to serve a sentence at a correctional institution.

12 NEW SECTION. Section 3. Shock incarceration program --  
 13 eligibility -- rulemaking. (1) The department shall  
 14 establish a shock incarceration program for youthful  
 15 offenders incarcerated in a correctional institution.

16 (2) In order to be eligible for participation in the  
 17 shock incarceration program, an inmate must:

18 (a) be serving a sentence of at least 5 years in a  
 19 Montana correctional institution for a felony offense other  
 20 than a felony punishable by life imprisonment or death;

21 (b) be less than 25 years of age;

22 (c) not have served a previous sentence of  
 23 incarceration as an adult in any jurisdiction; and

24 (d) pass a physical examination to ensure sufficient  
 25 health for participation.

(3) The shock incarceration program must include:

(a) as a major component, a strong emphasis on work, physical activity, physical conditioning, and good health practices;

(b) a strong emphasis on intensive counseling and treatment programming designed to correct criminal and other maladaptive thought processes and behavior patterns and to instill self-discipline and self-motivation;

(c) a detailed, clearly written explanation of program goals, objectives, rules, and criteria that must be provided to, read by, and signed by all prospective enrollees; and

(d) a maximum enrollment period of 120 days.

(4) (a) Inmate participation in the shock incarceration program must be voluntary. The admission of an inmate to the program is discretionary with the department. Enrollment may be revoked only:

(i) at the participant's request; or

(ii) upon written departmental documentation of a participant's failure or refusal to comply with program requirements.

(b) A revocation of program enrollment is not subject to appeal. An inmate may not be admitted to the shock incarceration program more than twice.

(5) The department may adopt rules for the establishment and administration of the shock incarceration

program.

**NEW SECTION. Section 4. Codification instruction.**

[Sections 1 through 3] are intended to be codified as an integral part of Title 53, chapter 30, and the provisions of Title 53, chapter 30, apply to [sections 1 through 3].

**NEW SECTION. Section 5. Effective date.** (This act) is effective July 1, 1993.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0323, as introduced.

**DESCRIPTION OF PROPOSED LEGISLATION:** An act authorizing the establishment of a shock incarceration program for youthful offenders convicted of certain felonies; providing for potential sentence reduction for successful completion of the program; providing guidelines for the program; and providing an effective date.

**ASSUMPTIONS:**

1. Current Law reflects the Executive Budget recommendation for FY94 and FY95.
2. Swan River Forest Camp would be used as the location of the camp allowed by the act.
3. The camp would have an Average Daily Population (ADP) of 40.
4. Total cost per ADP would be approximately \$51 per day.

**FISCAL IMPACT:**

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<b>Expenditures:</b>						
FTE	26.33	18.00	(8.33)	26.33	18.00	(8.33)
Personal Services	866,130	540,000	(326,130)	877,483	540,000	(337,483)
Operating Expenses	<u>309,699</u>	<u>204,400</u>	<u>(105,299)</u>	<u>315,590</u>	<u>204,400</u>	<u>(111,190)</u>
Total	1,175,829	744,400	(431,429)	1,193,073	744,400	(448,673)
<b>Funding:</b>						
General Fund	1,038,813	744,400	(294,413)	1,056,057	744,400	(311,657)
State Special	122,417	0	(122,417)	122,417	0	(122,417)
Federal Revenue	7,599	0	(7,599)	7,599	0	(7,599)
Proprietary	<u>7,000</u>	<u>0</u>	<u>(7,000)</u>	<u>7,000</u>	<u>0</u>	<u>(7,000)</u>
Total	1,175,829	744,400	(431,429)	1,193,073	744,400	(448,673)

*David Lewis* 2-11-93  
 DAVID LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

*Chris Christiaens* 2/12/93  
 CHRIS CHRISTIAENS, PRIMARY SPONSOR DATE

Fiscal Note for SB0323, as introduced

**SB 323**

APPROVED BY COMMITTEE  
ON JUDICIARY

Sponsor BILL NO. 323

INTRODUCED BY

*Christina Jagg*

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ESTABLISHMENT OF A SHOCK INCARCERATION PROGRAM FOR YOUTHFUL OFFENDERS CONVICTED OF CERTAIN FELONIES; PROVIDING FOR POTENTIAL SENTENCE REDUCTION FOR SUCCESSFUL COMPLETION OF THE PROGRAM; PROVIDING GUIDELINES FOR THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE."

## STATEMENT OF INTENT

A statement of intent is required for this bill because it authorizes the department of corrections and human services to adopt rules concerning the establishment and operation of the shock incarceration program. It is the intent of the legislature that in adopting rules the department look to provisions adopted in other states that operate successful "boot camp" type programs for youthful offenders.

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

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3], unless the context requires otherwise, the following definitions apply:

(1) "Department" means the department of corrections

and human services provided for in 2-15-2301.

(2) "Reduction of sentence" includes changing an incarceration sentence to a grant of probation.

NEW SECTION. Section 2. Sentence reduction for youthful offenders. A sentencing court retains jurisdiction for purposes of this section. A sentencing court may order a reduction of sentence for a convicted offender who:

(1) is certified by the department as having successfully completed the shock incarceration program; and

(2) applies to the court within 1 year after beginning to serve a sentence at a correctional institution.

NEW SECTION. Section 3. Shock incarceration program -- eligibility -- rulemaking. (1) The department shall establish a shock incarceration program for youthful offenders incarcerated in a correctional institution.

(2) In order to be eligible for participation in the shock incarceration program, an inmate must:

(a) be serving a sentence of at least 5 years in a Montana correctional institution for a felony offense other than a felony punishable by life imprisonment or death;

(b) be less than 25 years of age;

(c) not have served a previous sentence of incarceration as an adult in any jurisdiction; and

(d) pass a physical examination to ensure sufficient health for participation.

(3) The shock incarceration program must include:

(a) as a major component, a strong emphasis on work, physical activity, physical conditioning, and good health practices;

(b) a strong emphasis on intensive counseling and treatment programming designed to correct criminal and other maladaptive thought processes and behavior patterns and to instill self-discipline and self-motivation;

(c) a detailed, clearly written explanation of program goals, objectives, rules, and criteria that must be provided to, read by, and signed by all prospective enrollees; and

(d) a maximum enrollment period of 120 days.

(4) (a) Inmate participation in the shock incarceration program must be voluntary. The admission of an inmate to the program is discretionary with the department. Enrollment may be revoked only:

(i) at the participant's request; or

(ii) upon written departmental documentation of a participant's failure or refusal to comply with program requirements.

(b) A revocation of program enrollment is not subject to appeal. An inmate may not be admitted to the shock incarceration program more than twice.

(5) The department may adopt rules for the establishment and administration of the shock incarceration

program.

**NEW SECTION. Section 4. Codification instruction.**

[Sections 1 through 3] are intended to be codified as an integral part of Title 53, chapter 30, and the provisions of Title 53, chapter 30, apply to [sections 1 through 3].

**NEW SECTION. Section 5. Effective date. [This act] is**

effective July 1, 1993.

-End-

1 ~~Senate~~ BILL NO. 323  
 2 INTRODUCED BY Christopher J. Jago  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 ESTABLISHMENT OF A SHOCK INCARCERATION PROGRAM FOR YOUTHFUL  
 6 OFFENDERS CONVICTED OF CERTAIN FELONIES; PROVIDING FOR  
 7 POTENTIAL SENTENCE REDUCTION FOR SUCCESSFUL COMPLETION OF  
 8 THE PROGRAM; PROVIDING GUIDELINES FOR THE PROGRAM; AND  
 9 PROVIDING AN EFFECTIVE DATE."

10  
 11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because  
 13 it authorizes the department of corrections and human  
 14 services to adopt rules concerning the establishment and  
 15 operation of the shock incarceration program. It is the  
 16 intent of the legislature that in adopting rules the  
 17 department look to provisions adopted in other states that  
 18 operate successful "boot camp" type programs for youthful  
 19 offenders.

20  
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 NEW SECTION. Section 1. Definitions. As used in  
 23 [sections 1 through 3], unless the context requires  
 24 otherwise, the following definitions apply:

25 (1) "Department" means the department of corrections

1 and human services provided for in 2-15-2301.

2 (2) "Reduction of sentence" includes changing an  
 3 incarceration sentence to a grant of probation.

4 NEW SECTION. Section 2. Sentence reduction for  
 5 youthful offenders. A sentencing court retains jurisdiction  
 6 for purposes of this section. A sentencing court may order a  
 7 reduction of sentence for a convicted offender who:

8 (1) is certified by the department as having  
 9 successfully completed the shock incarceration program; and

10 (2) applies to the court within 1 year after beginning  
 11 to serve a sentence at a correctional institution.

12 NEW SECTION. Section 3. Shock incarceration program --  
 13 eligibility -- rulemaking. (1) The department shall  
 14 establish a shock incarceration program for youthful  
 15 offenders incarcerated in a correctional institution.

16 (2) In order to be eligible for participation in the  
 17 shock incarceration program, an inmate must:

18 (a) be serving a sentence of at least 5 years in a  
 19 Montana correctional institution for a felony offense other  
 20 than a felony punishable by life imprisonment or death;

21 (b) be less than 25 years of age;

22 (c) not have served a previous sentence of  
 23 incarceration as an adult in any jurisdiction; and

24 (d) pass a physical examination to ensure sufficient  
 25 health for participation.



(3) The shock incarceration program must include:

(a) as a major component, a strong emphasis on work, physical activity, physical conditioning, and good health practices;

(b) a strong emphasis on intensive counseling and treatment programming designed to correct criminal and other maladaptive thought processes and behavior patterns and to instill self-discipline and self-motivation;

(c) a detailed, clearly written explanation of program goals, objectives, rules, and criteria that must be provided to, read by, and signed by all prospective enrollees; and

(d) a maximum enrollment period of 120 days.

(4) (a) Inmate participation in the shock incarceration program must be voluntary. The admission of an inmate to the program is discretionary with the department. Enrollment may be revoked only:

(i) at the participant's request; or

(ii) upon written departmental documentation of a participant's failure or refusal to comply with program requirements.

(b) A revocation of program enrollment is not subject to appeal. An inmate may not be admitted to the shock incarceration program more than twice.

(5) The department may adopt rules for the establishment and administration of the shock incarceration

program.

NEW SECTION. Section 4. Codification instruction.

[Sections 1 through 3] are intended to be codified as an integral part of Title 53, chapter 30, and the provisions of Title 53, chapter 30, apply to [sections 1 through 3].

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1993.

-End-

HOUSE STANDING COMMITTEE REPORT

March 27, 1993  
Page 2 of 2

March 27, 1993  
Page 1 of 2

9. Page 2, lines 22 and 23.  
Strike: "(c)" on line 22 through "," on line 23  
Renummer: subsequent subsection

Mr. Speaker: We, the committee on Judiciary report that  
Senate Bill 323 (third reading copy -- blue) be concurred in as  
amended.

-END-

Signed: Russ Fagg  
Russ Fagg, Chair

And, that such amendments read:

Carried by: Rep. Fagg

1. Title, line 5.  
Strike: "SHOCK"  
Insert: "BOOT CAMP"  
Strike: "YOUTHFUL"
2. Page 1, line 15.  
Page 2, lines 9, 14, and 17.  
Page 3, lines 1, 13, 22, and 25.  
Strike: "shock"  
Insert: "boot camp"
3. Page 1, line 18.  
Strike: "youthful"  
Insert: "male and female"
4. Page 2, line 5.  
Strike: "youthful"
5. Page 2, line 12.  
Strike: "Shock"  
Insert: "Boot camp"
6. Page 2, line 14  
Strike: "youthful"
7. Page 2, line 18.  
Strike: "5 years"  
Insert: "1 year"
8. Page 2, line 21.  
Strike: "25"  
Insert: "35"

Committee Vote:  
Yes 15, No 3.

690953SC.Hss

HOUSE  
**SB 323**  
690953SC.Hss

## SENATE BILL NO. 323

INTRODUCED BY CHRISTIAENS, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ESTABLISHMENT OF A SHOCK BOOT CAMP INCARCERATION PROGRAM FOR ~~YOUTHFUL~~ OFFENDERS CONVICTED OF CERTAIN FELONIES; PROVIDING FOR POTENTIAL SENTENCE REDUCTION FOR SUCCESSFUL COMPLETION OF THE PROGRAM; PROVIDING GUIDELINES FOR THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE."

## STATEMENT OF INTENT

A statement of intent is required for this bill because it authorizes the department of corrections and human services to adopt rules concerning the establishment and operation of the shock BOOT CAMP incarceration program. It is the intent of the legislature that in adopting rules the department look to provisions adopted in other states that operate successful "boot camp" type programs for ~~youthful~~ MALE AND FEMALE offenders.

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

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3], unless the context requires otherwise, the following definitions apply:

(1) "Department" means the department of corrections

and human services provided for in 2-15-2301.

(2) "Reduction of sentence" includes changing an incarceration sentence to a grant of probation.

NEW SECTION. Section 2. Sentence reduction for youthful offenders. A sentencing court retains jurisdiction for purposes of this section. A sentencing court may order a reduction of sentence for a convicted offender who:

(1) is certified by the department as having successfully completed the shock BOOT CAMP incarceration program; and

(2) applies to the court within 1 year after beginning to serve a sentence at a correctional institution.

NEW SECTION. Section 3. ~~SHOCK~~ BOOT CAMP incarceration program -- eligibility -- rulemaking. (1) The department shall establish a shock BOOT CAMP incarceration program for ~~youthful~~ offenders incarcerated in a correctional institution.

(2) In order to be eligible for participation in the shock BOOT CAMP incarceration program, an inmate must:

(a) be serving a sentence of at least 5-years 1 YEAR in a Montana correctional institution for a felony offense other than a felony punishable by life imprisonment or death;

(b) be less than 25 35 years of age;

~~(c) --not--have--served--a--previous--sentence--of~~

1 ~~incarceration-as-an-adult-in-any-jurisdiction;~~ and  
 2 (d)(C) pass a physical examination to ensure sufficient  
 3 health for participation.  
 4 (3) The shock BOOT CAMP incarceration program must  
 5 include:  
 6 (a) as a major component, a strong emphasis on work,  
 7 physical activity, physical conditioning, and good health  
 8 practices;  
 9 (b) a strong emphasis on intensive counseling and  
 10 treatment programming designed to correct criminal and other  
 11 maladaptive thought processes and behavior patterns and to  
 12 instill self-discipline and self-motivation;  
 13 (c) a detailed, clearly written explanation of program  
 14 goals, objectives, rules, and criteria that must be provided  
 15 to, read by, and signed by all prospective enrollees; and  
 16 (d) a maximum enrollment period of 120 days.  
 17 (4) (a) Inmate participation in the shock BOOT CAMP  
 18 incarceration program must be voluntary. The admission of an  
 19 inmate to the program is discretionary with the department.  
 20 Enrollment may be revoked only:  
 21 (i) at the participant's request; or  
 22 (ii) upon written departmental documentation of a  
 23 participant's failure or refusal to comply with program  
 24 requirements.  
 25 (b) A revocation of program enrollment is not subject

1 to appeal. An inmate may not be admitted to the shock BOOT  
 2 CAMP incarceration program more than twice.  
 3 (5) The department may adopt rules for the  
 4 establishment and administration of the shock BOOT CAMP  
 5 incarceration program.  
 6 NEW SECTION. Section 4. Codification instruction.  
 7 [Sections 1 through 3] are intended to be codified as an  
 8 integral part of Title 53, chapter 30, and the provisions of  
 9 Title 53, chapter 30, apply to [sections 1 through 3].  
 10 NEW SECTION. Section 5. Effective date. [This act] is  
 11 effective July 1, 1993.

-End-