

Unofficial Draft Copy

As of: September 5, 2012 (1:16pm)

LC0325

**** Joint Resolution No. ****

Introduced By *****

By Request of the *****

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting a study of the operations of the Montana Board of Pardons and Parole.

WHEREAS, the increase in the prison population in Montana prisons is well known and documented and has recently lead the Montana Legislature to appropriate millions of dollars for increased capacity at Montana prisons for medium security inmates; and

WHEREAS, it costs nearly \$90 per day to incarcerate an offender but only \$5 per day to supervise an offender on parole and according to the 2011 biennial report of the Board of Pardons and Parole, 72 per cent of the correctional population is eligible for parole but 60 per cent of those eligible for parole are denied parole on their initial appearance before the Board of Pardons and Parole; and

WHEREAS, the Legislature has the responsibility to make sure that the statutes and policies administered by the Montana Board of Probation and Parole do not contribute to prison over crowding and unnecessary additional expense of housing prison inmates who may be safely paroled; and

WHEREAS, The Law and Justice Interim Committee heard testimony during the 2011 - 2012 interim from persons with loved

ones appearing before the Board of Pardons and Parole (Board);
and

WHEREAS, the testimony those persons gave to the LJIC indicated strong dissatisfaction with the operation of the Board for many reasons, including inmate access to their own parole files and discrepancies between prison files and Board files; and

WHEREAS, the Board has more discretion in making its decisions than do most other agencies of state government in making administrative decisions and decisions whether to release inmates on parole; and

WHEREAS, it's recently been determined that under current law, the Board is exempt from any of the standards contained in section 2-4-305, MCA, governing administrative rules of state agencies, including the prohibition contained in that section that rules may not contravene statutes; and

WHEREAS, as many as 15 states have eliminated their parole boards for various reasons, including monetary savings, but no such proposal has been recently considered by the Montana Legislature; and

WHEREAS, the operation of the Board has not been the subject of a study by an interim study committee of the Montana Legislature for many years; and

WHEREAS, it's therefore appropriate for an interim committee of the legislature to review the operation, statutes, and rules of the Montana Board of Pardons and Parole.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF

Unofficial Draft Copy

As of: September 5, 2012 (1:16pm)

LC0325

REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the operation of the Montana Board of Pardons and Parole, including the parole philosophy of the Board, the statutes and rules administered by the Board, the degree to which the Board has prevented or contributed to the need for additional prison beds, the effect of the possible elimination of the Board, and other aspects of the Board's administration as are appropriate.

BE IT FURTHER RESOLVED, that the study solicit the views of the law enforcement community, the judicial branch of state government, providers of community services, the Department of Corrections, and other appropriate stake-holders.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2014.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

- END -

{Name : David S. Niss

Unofficial Draft Copy
As of: September 5, 2012 (1:16pm)

LC0325

Title : Staff Attorney
Agency : Legislative Services Division
Phone : (406) 444-3064
E-Mail : dniss@mt.gov }