

HOUSE BILL NO. 290

INTRODUCED BY SMALL-EASTMAN, BIXBY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT ONE MEMBER OF THE BOARD OF PARDONS
5 AND PAROLE MUST BE AN AMERICAN INDIAN; PROVIDING THAT IF THE GOVERNOR DETERMINES
6 THAT A MEMBER OR AUXILIARY MEMBER HAS MISSED TWO ~~PAROLE HEARINGS~~ BOARD MEETINGS
7 WITHOUT GOOD CAUSE, THE GOVERNOR SHALL DISMISS THAT PERSON AND APPOINT A PERSON
8 TO FILL THE UNEXPIRED PORTION OF THE TERM; AND AMENDING SECTION 2-15-2302, MCA."

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

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12 **Section 1.** Section 2-15-2302, MCA, is amended to read:

13 **"2-15-2302. Board of pardons and parole -- composition -- allocation -- quasi-judicial.** (1) There
14 is a board of pardons and parole.

15 (2) The board consists of three members and four auxiliary members, each of whom must have
16 knowledge of American Indian culture and problems gained through training as required by rules adopted by
17 the board. One member must be an American Indian. HOWEVER, THE AMERICAN INDIAN MEMBER MAY NOT BE
18 REQUIRED TO HEAR AND ACT ON ALL AMERICAN INDIAN APPLICATIONS BEFORE THE BOARD. THE AMERICAN INDIAN
19 MEMBER SHALL ACT IN AN ADVISORY CAPACITY REGARDING AMERICAN INDIAN CULTURE AND PROBLEMS AND PARTICIPATE
20 IN ALL RULEMAKING FUNCTIONS OF THE BOARD. Members of the board, including the auxiliary members, must
21 possess academic training that has qualified them for professional practice in a field such as criminology,
22 education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work
23 experience in the areas listed may be substituted for these educational requirements.

24 (3) An auxiliary member shall attend any meeting that a regular board member is unable to attend, and
25 at that time, the auxiliary member has all the rights and responsibilities of a regular board member.

26 (4) Board members and auxiliary members shall serve staggered 4-year terms. The governor shall
27 appoint one member and two auxiliary members in January of the first year of the governor's term, one member
28 and one auxiliary member in January of the second year of the governor's term, and one member and one
29 auxiliary member in January of the third year of the governor's term.

30 (5) (a) The Except as provided in subsection (5)(b), the terms of board members and auxiliary members

1 run with the position, and if a vacancy occurs, the governor shall appoint a person to fill the unexpired portion
2 of the term.

3 (b) If the governor determines that a member or auxiliary member has WITHOUT GOOD CAUSE missed two
4 parole hearings without good cause BOARD MEETINGS THAT THE MEMBER WAS SCHEDULED TO ATTEND, the governor
5 shall dismiss that person and appoint a person to fill the unexpired portion of the term.

6 (6) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.
7 However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

8 (7) The board, including the auxiliary members, is designated as a quasi-judicial board for purposes
9 of 2-15-124, except board members must be compensated as provided by legislative appropriation and the
10 terms of board members must be staggered as provided in subsection (4).

11 (8) The provisions of 2-15-124(2) do not apply to the board."
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