

Exhibit No. 5
Date 2-15-05
Bill No. SB 387

Amendments to Senate Bill No. 387
1st Reading Copy

Requested by Senator Jim Shockley

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 15, 2005 (7:09am)

1. Page 4, line 21 through page 5, line 1.
Strike: subsection (c) in its entirety

- END -

(OVER)

1 ~~(vi) the person to submit to random or routine drug and alcohol testing.~~

2 (5)(6) A person convicted of criminal possession of dangerous drugs not otherwise provided for in
3 subsection (2), (3), (4), or (4)(5) shall be imprisoned in the state prison for a term not to exceed 5 years or be
4 fined an amount not to exceed \$50,000, or both.

5 (6)(7) A person convicted of a first violation under this section is presumed to be entitled to a deferred
6 imposition of sentence of imprisonment.

7 (7)(8) Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision
8 acting in the course of a professional practice are exempt from this section."

9

10 **Section 3.** Section 53-1-203, MCA, is amended to read:

11 **"53-1-203. Powers and duties of department of corrections.** (1) The department of corrections shall:

12 (a) adopt rules necessary to carry out the purposes of 41-5-123 through 41-5-125, rules necessary for
13 the siting, establishment, and expansion of prerelease centers, rules for the establishment of residential
14 methamphetamine treatment programs, and rules for the admission, custody, transfer, and release of persons
15 in department programs except as otherwise provided by law. However, rules adopted by the department may
16 not amend or alter the statutory powers and duties of the state board of pardons and parole. The rules for the
17 siting, establishment, and expansion of prerelease centers must state that the siting is subject to any existing
18 conditions, covenants, restrictions of record, and zoning regulations. The rules must provide that a prerelease
19 center may not be sited at any location without community support. The prerelease siting, establishment, and
20 expansion must be subject to, and the rules must include, a reasonable mechanism for a determination of
21 community support or objection to the siting of a prerelease center in the area determined to be impacted. The
22 prerelease siting, establishment, and expansion rules must provide for a public hearing conducted pursuant to
23 Title 2, chapter 3.

24 (b) subject to the functions of the department of administration, lease or purchase lands for use by
25 correctional facilities and classify those lands to determine those that may be most profitably used for agricultural
26 purposes, taking into consideration the needs of all correctional facilities for the food products that can be grown
27 or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the
28 persons confined in correctional facilities;

29 (c) contract with private, nonprofit Montana corporations to establish and maintain prerelease centers
30 for purposes of preparing inmates of a Montana prison who are approaching parole eligibility or discharge for