





**SENATE STANDING COMMITTEE REPORT**

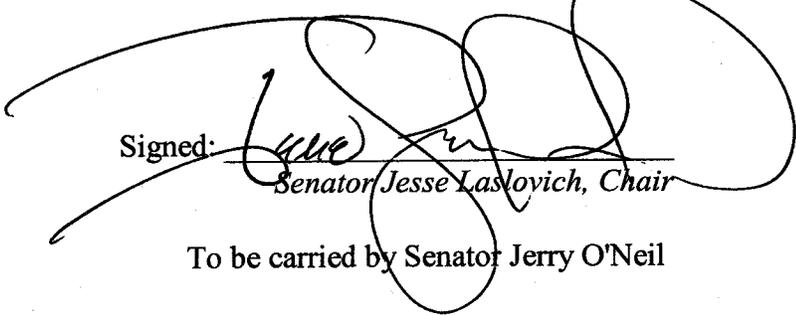
**March 27, 2007**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 629** (third reading copy -- blue) **be concurred in.**

Signed:

  
*Senator Jesse Laslovich, Chair*

To be carried by Senator Jerry O'Neil

- END -

**Committee Vote:**

**Yes 10, No 2**

Fiscal Note Required

*KF*

651224SC.ssc



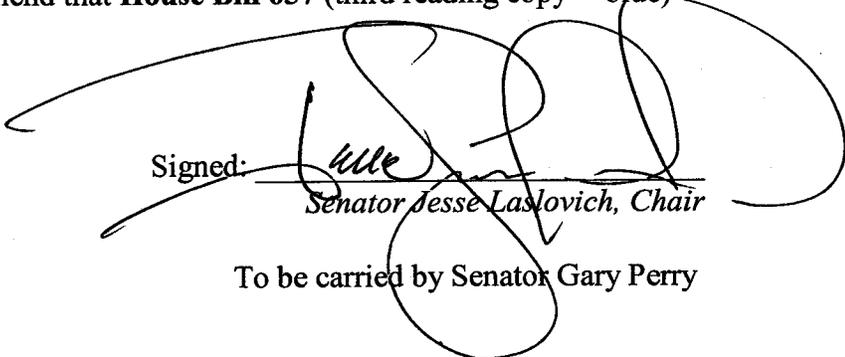
**SENATE STANDING COMMITTEE REPORT**

**March 27, 2007**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 657** (third reading copy -- blue) **be concurred in.**

Signed: 

*Senator Jesse Laslovich, Chair*

To be carried by Senator Gary Perry

- END -

**Committee Vote:**

**Yes 11, No 1**

Fiscal Note Required

*K1*

651225SC.ssc



## SENATE STANDING COMMITTEE REPORT

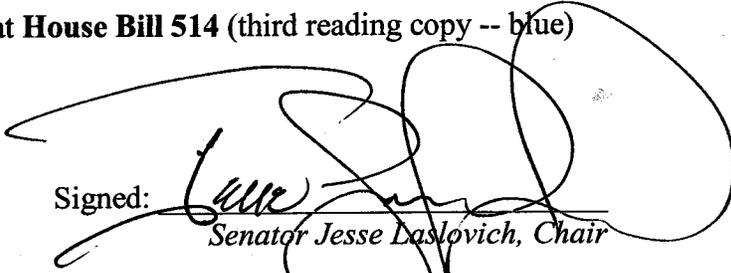
March 27, 2007

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 514** (third reading copy -- blue) **be concurred in as amended.**

Signed:

  
*Senator Jesse Laslovich, Chair*

To be carried by Senator Lynda Moss

**And, that such amendments read:**

1. Title, line 10.

**Following:** "IS"

**Insert:** "RECEIVING SERVICES FROM A YOUTH CARE FACILITY OR IS"

2. Title, line 11.

**Strike:** "A FOSTER HOME, A YOUTH GROUP HOME,"

3. Page 1, line 30 through page 2, line 1.

**Following:** "RECEIVING" on line 30

**Strike:** remainder of line 30 through "ARE" on page 2, line 1

**Insert:** "services from a youth care facility, as"

4. Page 2, line 4 through line 5.

**Following:** "THE" on line 4

**Strike:** remainder of line 4 through "HOME" on line 5

**Insert:** "youth care facility"

5. Page 2, line 18.

**Following:** "IS"

**Strike:** "A RESIDENT OF A YOUTH FOSTER HOME OR A YOUTH GROUP HOME"

**Insert:** "receiving services from a youth care facility"

6. Page 2, line 19.

**Following:** "or"

**Strike:** "and"

**Insert:** "or"

**Committee Vote:**

Yes 12, No 0

Fiscal Note Required — 

651422SC.ssc

**Following:** "service"

**Strike:** ", OR HOME"

7. Page 3, line 8 through line 9.

**Following:** "RECEIVING" on line 8

**Strike:** remainder of line 8 through "ARE" on line 9

**Insert:** "services from a youth care facility, as"

8. Page 3, line 12 through line 13.

**Following:** "THE" on line 12

**Strike:** remainder of line 12 through "SERVICE" on line 13

**Insert:** "youth care facility"

9. Page 3, line 21.

**Following:** "IS"

**Strike:** "A RESIDENT OF A YOUTH FOSTER HOME OR YOUTH GROUP HOME"

**Insert:** "receiving services from a youth care facility"

10. Page 3, line 22.

**Following:** "or"

**Strike:** " ,"

**Insert:** "or"

**Following:** "service"

**Strike:** ", OR HOME"

- END -



**SENATE STANDING COMMITTEE REPORT**

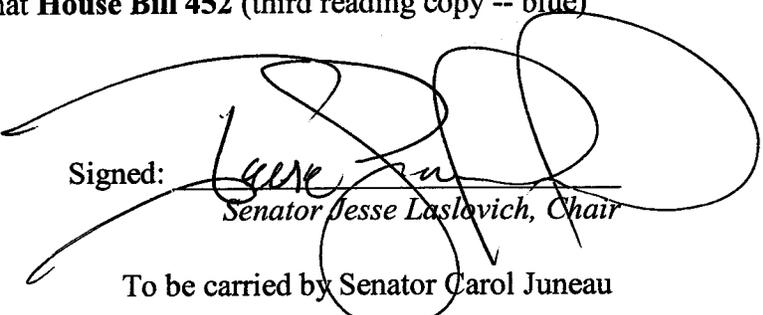
**March 27, 2007**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 452** (third reading copy -- blue) **be concurred in as amended.**

Signed:

  
*Senator Jesse Laslovich, Chair*

To be carried by Senator Carol Juneau

**And, that such amendments read:**

1. Page 3, line 7.

**Following:** line 6

**Strike:** "BY A PAROLEE AND MUST BE WEIGHTED HEAVILY"

2. Page 3, line 9 through line 10.

**Following:** "SUPERVISION" on line 9

**Strike:** remainder of line 9 through "SECTION" on line 10

3. Page 3, line 12.

**Strike:** "DEPARTMENT"

**Insert:** "board"

4. Page 3, line 13.

**Following:** line 12

**Strike:** "BECAUSE OF CONSIDERATION GIVEN TO AN ACHIEVEMENT  
PURSUANT TO THIS SECTION"

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required      

651440SC.ssc



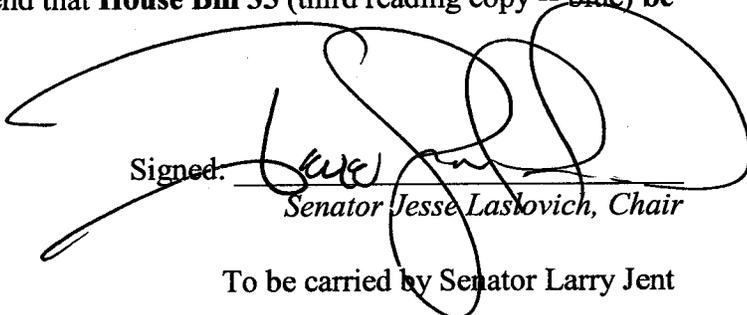
**SENATE STANDING COMMITTEE REPORT**

**March 27, 2007**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 35** (third reading copy -- blue) be **concurrred in**.

Signed: 

*Senator Jesse Laslovich, Chair*

To be carried by Senator Larry Jent

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required

*Kf*

651228SC.ssc



SENATE STANDING COMMITTEE REPORT

March 27, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 467** (third reading copy -- blue) **be concurred in as amended.**

Signed:

*Jesse Naslovich*  
Senator Jesse Naslovich, Chair

To be carried by Senator David Wanzenried

**And, that such amendments read:**

1. Title, line 7.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, line 21.

**Following:** "FROM A"

**Insert:** "health care"

**Following:** "PROVIDER"

**Strike:** "IN A GOVERNMENTAL INFIRMARY LOCATED AT"

**Insert:** "within"

3. Page 3, line 22.

**Following:** line 21

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

- END -

**Committee Vote:**

**Yes 11, No 1**

Fiscal Note Required — *KF*

651432SC.ssc



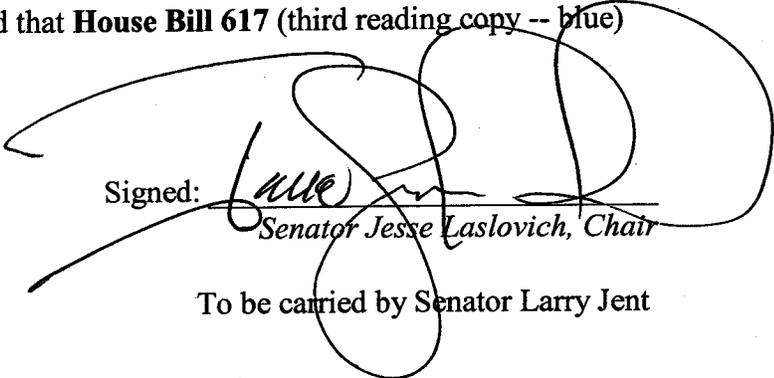
**SENATE STANDING COMMITTEE REPORT**

**March 27, 2007**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 617** (third reading copy -- blue)  
**be concurred in.**

Signed: 

*Senator Jesse Laslovich, Chair*

To be carried by Senator Larry Jent

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required

*KF*

651229SC.ssc

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**COMMITTEE FILE COPY**

**TABLED BILL**

The **SENATE JUDICIARY COMMITTEE** TABLED HB 695, by motion, on **Tuesday, March 27, 2007.**

*Carol Andersen*  
(For the Committee)

*KA*  
(Secretary of the Senate)

          *3-27*  
(Time)            (Date)

March 27, 2007

Carol R. Andersen, Secretary

Phone: 444-4697

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MONTANA STATE SENATE  
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 3-27-07 BILL NO. HB 452 NUMBER \_\_\_\_\_

MOTION: amendment

NAME	AYE	NO
SEN. LYNDA MOSS (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. CAROL WILLIAMS (D)		✓
SEN. CAROL JUNEAU (D)		✓
SEN. GERALD PEASE (D)		✓
SEN. JIM SHOCKLEY (R)	✓	
SEN. AUBYN CURTISS (R)	✓	
SEN. JERRY O'NEIL (R)	✓	
SEN. LARRY JENT (D)	✓	
SEN. GARY PERRY (R)	✓	
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	6	6
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

**MONTANA STATE SENATE  
2007 LEGISLATURE**

**JUDICIARY**

**ROLL CALL VOTE**

DATE 3-27 BILL NO. HB 695 NUMBER \_\_\_\_\_

MOTION: Concur in as amended

NAME	AYE	NO
SEN. LYNDA MOSS (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. CAROL WILLIAMS (D)		✓
SEN. CAROL JUNEAU (D)		✓
SEN. GERALD PEASE (D)		✓
SEN. JIM SHOCKLEY (R)	✓	
SEN. AUBYN CURTISS (R)	✓	
SEN. JERRY O'NEIL (R)	✓	
SEN. LARRY JENT (D)		✓
SEN. GARY PERRY (R)	✓	
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	5	7
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

# SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

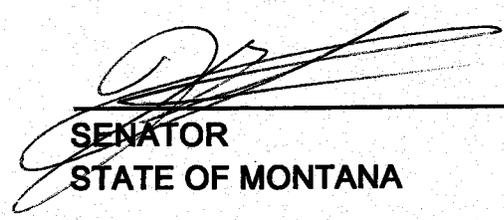
## PROXY VOTE

I, the undersigned, hereby authorize Senator McGree

to vote my proxy on any issue before the Senate Judiciary  
\_\_\_\_\_ Committee

held on 3/27/07, 2007.

HB 467 -  
Aye - Aye  
as amnd = Aye

  
\_\_\_\_\_  
SENATOR  
STATE OF MONTANA

# SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

## PROXY VOTE

I, the undersigned, hereby authorize Senator Perry McGee

to vote my proxy on any issue before the Senate Judiciary

\_\_\_\_\_ Committee

held on 3/27, 2007.

O'Neil Amd - Aye  
HB 695 - Aye  
HB 35 - Aye  
HB 467 - Aye  
Amd - Aye  
HB 617 - Aye  
HB 629 - Aye

[Signature]  
SENATOR  
STATE OF MONTANA

72  
711

## SENATE PROXY FORM

According to Senate Rule 30-70 ( 13) ( f ) , a committee member may vote by proxy using a standard form.

### PROXY VOTE

I, the undersigned, hereby authorize Senator Mass

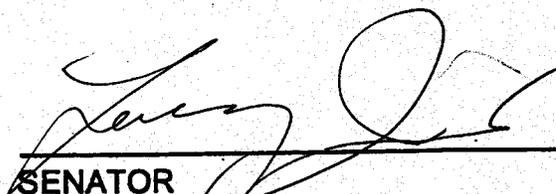
to vote my proxy on any issue before the Senate \_\_\_\_\_

\_\_\_\_\_ Committee

held on \_\_\_\_\_, 2007.

AB 467 amend - yes  
467 - yes

HB 617 yes

  
\_\_\_\_\_  
SENATOR  
STATE OF MONTANA

# SENATE PROXY FORM

According to Senate Rule 30-70 ( 13) ( f ) , a committee member may vote by proxy using a standard form.

## PROXY VOTE

I, the undersigned, hereby authorize Senator Mass

to vote my proxy on any issue before the Senate \_\_\_\_\_

\_\_\_\_\_ Committee

held on \_\_\_\_\_, 2007.

HB 657 - yes

HB 514 - amended - yes

HB 452 amended - yes  
amend m - yes  
amend med - no

Wanznerd  
SENATOR  
STATE OF MONTANA

# SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

## PROXY VOTE

I, the undersigned, hereby authorize Senator Mass

to vote my proxy on any issue before the Senate Jud

\_\_\_\_\_ Committee

held on \_\_\_\_\_, 2007.

*3rd  
HB 82 - amend - no*

*Carol Williams*  
SENATOR  
STATE OF MONTANA

**MONTANA STATE SENATE  
2007 LEGISLATURE**

**VISITOR REGISTER**

**JUDICIARY**

DATE 3-27-07

BILLS BEING HEARD TODAY HB-452, HB-514, HB-559  
HB-657

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Nancy MacCracken	222-4130	6th Judicial District	HB657	✓	
Chris Christensen	452-0032	Self	HB452	✓	
D. Steven Cape	781-2543	Self	HB452	✓	
Lee Johnson	453-0997	Self	HB452	✓	
James Gustafson	455-0726	Self	HB452	✓	
Pam Builke	444-9610	Corrections	HB452	✓	
Brian Olsen	444-2994	Revenue (International)	HB559		
John Connor	4-2026	DOT	HB514		
Jennifer Hill-Hart	461-7530	MCADSV	HB514	X	
<del>NATALIE BOTAN</del>	<del>443-7794</del>	<del>MCADSV</del>	<del>HB514</del>	<del>X</del>	
Moe Wosepta	442-5761	Mont Cath Conference	HB452	✓	
GLADYS HARDIN	543-4096	PAROLE	HB559	✓	
CRATIG THOMAS	846-1404	PAROLE BOARD	HB452	✓	
Jerry Driscoll	860-8078	Self	HB559	✓	
Amee Growser	443-6820	Assoc. MT Public <sup>Retired</sup> Employees	HB559	✓	
Beth Breuneman	449-2344	MT Advocacy Program	HB514	✓	
Jani McCall	670-3084	MCI	HB514	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



43452

**PROBATION AND PAROLE BUREAU  
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 60-3	Subject: <b>CONDITIONAL DISCHARGE FROM SUPERVISION</b>	
Chapter 60: SIGN-UP PROCEDURE/SUPERVISION STANDARDS	Page 1 of 5	
Signature: /s/ Mike Ferriter	Revision Date: 12/10/01; 06/17/02; 01/13/03; 03/14/03	
	Effective Date: 06/01/01	

**I. BUREAU DIRECTIVE:** Probation and Parole Bureau employees will follow established procedures for requesting a Conditional Discharge from Supervision (CDFS) for probationers and parolees. This procedure will describe the Probation and Parole Officer's role in supervising the conditionally discharged offender.

**II. AUTHORITY:**

- |                          |   |
|--------------------------|---|
| 46-23-1011(6)(a), M.C.A. | <i>Supervision on Probation</i>               |
| 46-23-1021(6)(a), M.C.A. | <i>Supervision on Parole</i>                  |
| ARM 20.25.704            | <i>Conditional Discharge from Supervision</i> |

**III. DEFINITIONS:**

**Conditional Discharge From Supervision (CDFS)** means the district court or Board of Pardons & Parole has followed the Probation & Parole Officers recommendation and approved this level of supervision.

**IV. PROCEDURES:**

A. Offenders who have successfully fulfilled the court ordered conditions and/or Board of Pardons & Parole ordered conditions and have complied with the conditions of supervision may be *recommended* to the court or the BOPP for a Conditional Discharge From Supervision (CDFS) prior to the expiration of their sentence. These offenders should have reached and succeeded in reducing their risk and increased their self-sufficiency and reliability.

The parole board may conditionally discharge a parolee from parole upon recommendation of the supervising officer if the board determines that such conditional discharge is in the best interests of the parolee and society and will not present unreasonable risk of danger to the victim of the offense. However, the board retains the right to revoke a parole, even when conditionally discharged from supervision, if the parolee violates any laws or ordinances and/or conditions that the board has imposed upon the parolee. The board retains the right to return a parolee to active supervision even when conditionally discharged from supervision, upon request of the supervising agency and if, in the board's opinion, this action is in the best interest of society and the parolee.

Parolees convicted of non-violent offenses may be recommended for a conditional discharge from supervision after the parolee has served a minimum of time on parole of:

- Three (3) consecutive years of satisfactory parole adjustment
- Two (2) consecutive years of exemplary parole adjustment

Subject: **CONDITIONAL DISCHARGE FROM SUPERVISION**

- B. According to statute, the Probation & Parole Bureau may also recommend a conditional discharge from supervision if the workload is above the level of resources available to appropriately supervise offenders.
- C. **Sexual and Violent Offenders shall not be given a conditional discharge from supervision without the approval of the Regional Administrator and Bureau Chief. Those currently out of state shall also be reviewed.**
- Parolees convicted of violent offenses may be recommended for conditional discharge after the parolee has served a minimum time on parole of:
- Four (4) consecutive years of satisfactory parole adjustment; or
  - Three (3) consecutive years of exemplary parole adjustment.
- D. Interstate Parole cases granted a CDFS, will be managed by the originating Probation and Parole Office.
- E. If through the annual criminal record check or some other means, the P&P Officer determines that the offender has violated terms, the offender's CDFS status can be revoked by the Court or BOPP and the offender can be returned to active supervision or correctional facility. The P&P Officer shall use *P&P 60-3 (E), Request to Rescind Conditional Discharge from Supervision* and recommend rescission of the CDFS.
- F. Offenders granted a CDFS shall not be allowed to reside out-of-state without Interstate Compact Application. (Those offenders presently granted a CDFS and living out-of-state shall be continued at the current level of supervision.)
- G. Offender may travel out-of-state with a valid Travel Permit for no longer than 180 days.
- H. All offenders on Conditional Discharge from Supervision will be responsible to report and maintain contact with the assigned Probation & Parole Officer.
- a. Offenders will be required to report any address or employment changes immediately. The officer will **verify** those changes within 30 days of notice via personal or collateral contacts/measures.
  - b. Offenders will be required to report any arrests or negative contact with law-enforcement immediately.
  - c. Offenders will be required to fill out an annual written report on the anniversary date of their conditional discharge from supervision.
  - d. The Probation & Parole Officer will perform an annual record check (CJIN and NCIC) on the anniversary date of the offender's CDFS to assure the offender has remained a law-abiding person.
  - e. For those offenders wanting to transfer out of state, offender must go through Interstate Compact and may return back on formal supervision.

Procedure No.: P&P 60-3	Chapter: Sign-Up Procedure/Supervision Standards	Page 3 of 5
Subject: <b>CONDITIONAL DISCHARGE FROM SUPERVISION</b>		

**REQUESTING A CDFS**

**PROCEDURE:**

1. A written recommendation is prepared for the district court judge or Board of Pardons and Parole. *(See P&P 60-3 (A) Request for Conditional Discharge From Supervision)*. This report will contain the following:
  - a) information relative to the instant offense & criminal history;
  - b) offender's employment history while under supervision,
  - c) information regarding the offender's general attitude;
  - d) the offender's supervision history including length of supervision period and their involvement in treatment;
  - e) verification of compliance with Probation and Parole conditions, court ordered conditions and BOPP conditions;
  - f) payment of restitution, fees and fines.
  - g) offender's risk assessment

This report is submitted to the Regional Administrator/POII for review and approval.

2. If the recommendation is approved by the Regional Administrator/POII, the recommendation is discussed with the County Attorney (Probation cases only) or the BOPP (Parole cases only). **In Parole Cases**, *P&P 60-3 (A) Request for Conditional Discharge From Supervision* is forwarded to the board for consideration. The Parole Board will prepare their own order for distribution if the *Conditional Discharge is approved*. **In Probation Cases**, *P&P 60-3 (A) Request for Conditional Discharge From Supervision* and *P&P 60-3 (B) Recommendation for Conditional Discharge From Supervision* are submitted to the judge. If the judge approves, he/she will sign the Order on the bottom of the *Recommendation for Conditional Discharge from Supervision*.

**RESPONSIBILITY:**

P&P Officer

P&P Officer

P&P Officer

Subject: **CONDITIONAL DISCHARGE FROM SUPERVISION****PROCEDURE:**

3. In cases where the offender is on parole but has probation time to follow, the recommendation is presented to the District Judge first, then to the Board of Pardons & Parole. If the judge approves the conditional discharge, the paperwork is then forwarded to the Board of Pardons & Parole.
4. On interstate cases, the recommendation will include: "The CDFS is recommended for Montana and the state the offender is currently residing in."

**RESPONSIBILITY:**

P&amp;P Officer

P&amp;P Officer

**SUPERVISION OF PROBATIONER/PAROLEE**

1. Upon notification by the district court judge/BOPP that a Conditional Discharge from Supervision is granted, the offender is notified of their status using *P&P 60-3 (C) Conditional Discharge Letter*.
2. The offender is informed he/she is no longer required to pay supervision fees.
3. The offender is informed that the CDFS status is good only in Montana, and the state the offender is currently residing in (Interstate cases). If the offender moves to a third state an Interstate Compact application will be submitted to the new state and the offender will be returned to active supervision.
4. Offender submits annual report using monthly report form, *P&P 60-1 (G) Offender Monthly Report*, with verification of address and employment.
5. An annual offender record check is completed, residence and employment verified.
6. A written response to the offender's annual report is completed using *P&P 60-3 (D) Written Response to Offender's Annual Letter*.
7. The offender's conditionally discharged file is maintained in the office of the last assigned P&P Officer.
8. The offender is reported as a CDFS on the workload analysis.

P&amp;P Officer

P&amp;P Officer

P&amp;P Officer

Offender

P&amp;P Officer

P&amp;P Officer

P&amp;P Officer

P&amp;P Officer

Subject: **CONDITIONAL DISCHARGE FROM SUPERVISION**

### **REVOKING A CDFS**

#### **PROCEDURE:**

1. If an offender violates the conditions of the CDFS or other violations warrant revoking the CDFS, complete *P&P 60-3 (E) Request to Revoke Conditional Discharge from Supervision* and submits to the Judge or BOPP.

#### **RESPONSIBILITY:**

P&P Officer

- V. **CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or designee.

#### **Forms**

P&P 60-3 (A)	Request for Conditional Discharge From Supervision
P&P 60-3 (A-1)	Sample of Request
P&P 60-3 (B)	Recommendation for Conditional Discharge from Supervision
P&P 60-3 (C)	Conditional Discharge Letter
P&P 60-3 (D)	Written Response to Offender's Annual Letter
P&P 60-3 (E)	Request to Revoke Conditional Discharge from Supervision