

AMDD's requested changes to existing law are underlined in SB76

black. The changes that NAMI is recommending are underlined in blue.

Goal of proposed language: To create a parole standard that suits the medical reality of prisoners who are serving a Guilty But Mentally Ill (GBMI) conviction. This standard would make it explicit that participation in a mandatory mental illness treatment program can be considered as a factor in determining where a prisoner with a GBMI conviction qualifies for parole.

Important Note: This alternate parole standard would only apply to prisoners committed to the custody of the director of the department of public health and human services. It would not affect the parole standard for any other prisoners.

Senate Bill 76

Introduced By Senator Jent

By Request of the Department of Public Health and Human
Services

A Bill for an Act entitled: "An Act providing for parole eligibility for persons sentenced to the custody of the director of the department of public health and human services and confined in a mental health facility, residential facility, or developmental disabilities facility pursuant to 46-14-312; amending section 46-23-201."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-23-201, MCA, is amended to read:

"46-23-201. Persons eligible for nonmedical parole. (1) Subject to the restrictions contained in subsections (2) through (5), the board may release on nonmedical parole by appropriate order any person who is confined in a state prison or the state hospital or sentenced to be committed to the custody of the director of the department of public health and human services and confined in a mental health facility, residential facility, or developmental disabilities facility pursuant to 46-14-312, or any person who is sentenced to the state prison and confined in a prerelease center when in its opinion there is reasonable probability that the prisoner can be released without detriment to the prisoner or to the community.

(2) Persons under sentence of death, persons sentenced to the department who have been placed by the department in a state prison temporarily for assessment or sanctioning, and persons serving sentences imposed under 46-18-202(2) or 46-18-219 may not be paroled.

(3) A prisoner serving a time sentence may not be paroled under this section until the prisoner has served at least one-fourth of the prisoner's full term.

(4) A prisoner serving a life sentence may not be paroled under this section until the prisoner has served 30 years.

(5) A parole may be ordered under this section only for the best interests of society and not as an award of clemency or a reduction of sentence or pardon. A prisoner may be placed on parole only when the board believes that the prisoner is able and willing to fulfill the obligations of a law-abiding citizen.

(6) For prisoners sentenced to be committed to the custody of the director of the department of public health and human services and confined in a mental health facility, residential facility, or developmental disabilities facility pursuant to 46-14-312, the standard may be met through the use of a supervision program that

will ensure that the patient continues to treat their
mental disorder.

(7) Parole may be revoked for a prisoner who fails to
comply with the terms of a treatment supervision program as
described in subsection (6). If parole is revoked for that
reason, the prisoner shall be recommitted to the custody of
the director of the department of public health and human
services and confined in a mental health facility,
residential facility, or developmental disabilities
facility pursuant to 46-14-312.

{*Internal References to 46-23-201:*
46-23-217 }

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