

SENATE JUDICIARY  
AMENDMENT NO. 2  
DATE 1/19/11  
BILL NO. SB 76

Amendments to Senate Bill No. 76  
1st Reading Copy

Requested by Senator Jent

For the Senate Judiciary Committee

Prepared by Valencia Lane  
January 14, 2011 (8:18am)

*Technical  
Amendment*

1. Page 1, line 14.

**Following:** "(5)"

**Insert:** "and when in the board's opinion there is reasonable probability that a prisoner can be released without detriment to the prisoner or to the community"

2. Page 1, line 17 through line 18.

**Following:** "center" on line 17

**Strike:** remainder of line 17 through "community" on line 18

- END -

(OVER)

SB 007601. avl  
technical  
Amdmt  
SB0076.01

1 SENATE BILL NO. 76

2 INTRODUCED BY L. JENT

3 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PAROLE ELIGIBILITY FOR PERSONS  
6 SENTENCED TO THE CUSTODY OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND  
7 HUMAN SERVICES AND CONFINED IN CERTAIN STATE FACILITIES; AND AMENDING SECTION 46-23-201,  
8 MCA."

9 "and when in the board's opinion there is reasonable  
10 probability that a prisoner can be released without  
11 detriment to the prisoner or to the community"

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

13 **"46-23-201. Prisoners eligible for nonmedical parole.** (1) Subject to the restrictions contained in  
14 subsections (2) through (5), the board may release on nonmedical parole by appropriate order any person who  
15 is:

16 (a) confined in a state prison ~~or the state hospital or any person who is;~~

17 (b) sentenced to the state prison and confined in a prerelease center ~~when in its opinion there is~~  
18 ~~reasonable probability that the prisoner can be released without detriment to the prisoner or to the community;~~

19 or

20 (c) sentenced to be committed to the custody of the director of the department of public health and  
21 human services as provided in 46-14-312 and confined in the Montana state hospital, the Montana developmental  
22 center, or the Montana mental health nursing care center.

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

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

28 (4) A prisoner serving a life sentence may not be paroled under this section until the prisoner has served  
29 30 years.

30 (5) A parole may be ordered under this section only for the best interests of society and not as an award