

HOUSE BILL NO. 29
INTRODUCED BY A. OLSON

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT PARTICIPATION IN THE BOOT CAMP INCARCERATION PROGRAM MAY REDUCE THE PERIOD OF INCARCERATION BUT NOT THE ~~INCARCERATION TERM~~ LENGTH OF A SENTENCE; REQUIRING ~~APPROVAL OF~~ ADVICE FROM THE PROSECUTING ATTORNEY FOR PARTICIPATION IN THE BOOT CAMP INCARCERATION PROGRAM BY CERTAIN INMATES; AND AMENDING SECTIONS 53-30-402 AND 53-30-403, MCA."

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

Section 1. Section 53-30-402, MCA, is amended to read:

"53-30-402. Sentence reduction for offenders. A sentencing court retains jurisdiction for purposes of this section. A sentencing court may order a reduction of the incarceration period to actually be served under a sentence ~~but may not reduce the incarceration term~~ LENGTH of a sentence for a convicted offender who:

- (1) is certified by the department as having successfully completed the boot camp incarceration program;
- and
- (2) applies to the court within 1 year after beginning to serve a sentence at a correctional institution."

Section 2. Section 53-30-403, MCA, is amended to read:

"53-30-403. Boot camp incarceration program -- eligibility -- rulemaking. (1) The department shall establish a boot camp incarceration program for offenders incarcerated in a correctional institution.

- (2) In order to be eligible for participation in the boot camp incarceration program, an inmate:
 - (a) must be serving a sentence of at least 1 year in a Montana correctional institution for a felony offense other than a felony punishable by death, except as provided in 46-18-201(4)(o);
 - (b) shall obtain the concurrence of the sentencing court ~~and, if the offense is contained in Title 45, chapter 5, of the prosecuting attorney's office;~~ and
 - (c) shall pass a physical examination to ensure sufficient health for participation.
- (3) The boot camp incarceration program must include:
 - (a) as a major component, a strong emphasis on work, physical activity, physical conditioning, and good health practices;

(b) a strong emphasis on intensive counseling and treatment programming designed to correct criminal and other maladaptive thought processes and behavior patterns and to instill self-discipline and self-motivation;

(c) a detailed, clearly written explanation of program goals, objectives, rules, and criteria that must be provided to, read by, and signed by all prospective enrollees; and

(d) a maximum enrollment period of 120 days.

(4) (a) Inmate participation in the boot camp incarceration program must be voluntary. The admission of an inmate to the program is discretionary with the department, WHICH SHALL REQUEST AND CONSIDER THE RECOMMENDATION OF THE PROSECUTING ATTORNEY'S OFFICE. Enrollment may be revoked only:

(i) at the participant's request; or

(ii) upon written departmental documentation of a participant's failure or refusal to comply with program requirements.

(b) A revocation of program enrollment is not subject to appeal. An inmate may not be admitted to the boot camp incarceration program more than twice.

(5) The department may adopt rules for the establishment and administration of the boot camp incarceration program."

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