

HOUSE BILL NO. 452
INTRODUCED BY D. KOTTEL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ~~AWARD~~ ACKNOWLEDGMENT OF EDUCATIONAL AND EMPLOYMENT ACHIEVEMENT ~~CREDITS~~ CREDIT BY THE DEPARTMENT OF CORRECTIONS TO A PAROLEE THAT MAY ~~REDUCE~~ SUPERVISED TIME SPENT ON PAROLE; ~~AND~~ AMENDING SECTIONS ~~46-23-216~~ AND SECTION 46-23-1021, MCA; ~~AND PROVIDING AN APPLICABILITY DATE.~~"

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

NEW SECTION. **Section 1. Parole achievement credit.** (1) The department shall ~~award an achievement credit of a specified number of days to~~ ACKNOWLEDGE ACHIEVEMENTS BY a parolee who, by completion of an activity described in subsection (2), has shown a willingness to reenter society as a productive and responsible member. ~~The number of achievement credit days awarded by the department must be counted by the board against a parolee's sentence as imposed by the sentencing court, conditioned upon the parolee's compliance with the terms of parole. The department may not award achievement credit in excess of the days provided in subsection (2) or in excess of one-half of the total time to be served on parole.~~

(2) The department shall ~~award the following number of days of achievement credit for each of the reasons provided below~~ ACKNOWLEDGE ACHIEVEMENTS, SUCH AS:

- (a) ~~for obtaining a high school diploma or general equivalency diploma, 180 days;~~
- (b) ~~for obtaining a degree from an accredited postsecondary educational institution, 365 days;~~
- (c) ~~for completion of an approved apprenticeship program, 365 days;~~
- (d) ~~for completion of an accredited vocational certification program, 365 days;~~
- (e) ~~for each month of employment of at least 20 scheduled hours a week, 15 days~~ FOR 6 OR MORE MONTHS; and
- (f) ~~for each semester attended at an accredited postsecondary institution while classified at least as a three-quarter-time student and attaining a grade point average of at least 2.0, 180 days.~~ ATTENDANCE AT A FAITH-BASED, SOCIAL SERVICE, OR REHABILITATION ACTIVITY FOR 6 OR MORE MONTHS; OR

(G) ANY OTHER ACHIEVEMENT DESIGNATED BY A DEPARTMENT RULE.

~~(3) The department may not award achievement credit to an offender who is incarcerated.~~

~~———— (4) In order to receive an award of achievement credit pursuant to this section, a parolee shall request the award of the credit by the department and provide to the department adequate documentation of facts supporting the requested award.~~

~~———— (5) The department shall adopt rules to implement this section.~~

~~———— **Section 2.** Section 46-23-216, MCA, is amended to read:~~

~~———— **"46-23-216. Duration of parole.** (1) A prisoner on parole is considered released on parole until the expiration of the maximum term or terms for which the prisoner was sentenced, minus any achievement credit days awarded by the department pursuant to [section 1].~~

~~———— (2) The period served on parole must be considered service of the term of imprisonment, and subject to the provisions contained in 46-23-1023 through 46-23-1026 relating to a prisoner who is a fugitive from or has fled from justice, the total time served may not exceed the maximum term or sentence. When a prisoner on parole has performed the obligations of the release and any achievement credit awarded by the department pursuant to [section 1] has been deducted by the board pursuant to 46-23-1021 and [section 1], the board shall make a final order or discharge and issue a certificate of discharge to the prisoner."~~

Section 2. Section 46-23-1021, MCA, is amended to read:

"46-23-1021. Supervision on parole. (1) The department shall retain custody of all persons placed on parole and shall supervise the persons during their parole periods in accordance with the conditions set by the board.

(2) The department shall assign personnel to assist a person who is eligible for parole in preparing a parole plan. Department personnel shall make a report of their efforts and findings to the board prior to its consideration of the case of the eligible person.

(3) A copy of the conditions of parole must be signed by the parolee and given to the parolee and to the parolee's probation and parole officer, who shall report on the parolee's progress under the rules of the board.

(4) The probation and parole officer shall regularly advise and consult with the parolee, assist the parolee in adjusting to community life, and inform the parolee of the restoration of rights on successful completion of the sentence.

(5) The probation and parole officer shall keep records as the board or department may require. All records must be entered in the master file of the individual.

(6) (a) Upon recommendation of the probation and parole officer, the board may conditionally discharge

a parolee from supervision before expiration of the parolee's sentence if the board determines that a conditional discharge from supervision is in the best interests of the parolee and society and will not present unreasonable risk of danger to the victim of the offense.

~~(B) ANY OF THE ACHIEVEMENTS LISTED IN [SECTION 1(2)] MUST BE CONSIDERED A SIGNIFICANT ACHIEVEMENT BY A PAROLEE AND MUST BE WEIGHTED HEAVILY BY THE BOARD IN DECIDING WHETHER TO GRANT A CONDITIONAL DISCHARGE FROM SUPERVISION TO A PAROLEE.~~

~~(C) IF THE BOARD DISCHARGES A PAROLEE FROM SUPERVISION BECAUSE OF CONSIDERATION GIVEN TO AN ACHIEVEMENT PURSUANT TO THIS SECTION, THE DEPARTMENT IS RELIEVED OF THE OBLIGATION OF SUPERVISING THE PAROLEE.~~

~~(D) FOR GOOD CAUSE, THE DEPARTMENT BOARD MAY RETURN A PAROLEE WHO WAS CONDITIONALLY DISCHARGED BECAUSE OF CONSIDERATION GIVEN TO AN ACHIEVEMENT PURSUANT TO THIS SECTION TO THE STATUS OF A REGULAR PAROLEE.~~

~~(b)(E)~~ Subsection (6)(a) does not prohibit the board from revoking the parole, as provided in 46-23-1025, of a parolee who has been conditionally discharged from supervision.

~~(e)(F)~~ If the department certifies to the board that the workload of a district probation and parole office has exceeded the optimum workload for the district over the preceding 60 days, the board may not parole a prisoner to that district office unless it grants a conditional discharge to a parolee being supervised by that district office. The department may recommend parolees to the board for conditional discharge. The board may accept or reject the recommendations of the department. The department shall determine the optimum workload for each district probation and parole office.

~~(d) The department shall certify to the board the achievement credit awarded by the department to a parolee pursuant to [section 1]. If the parolee has otherwise complied with the statutes and rules governing parole and the conditions of parole, the board shall reduce the time that a parolee would otherwise spend on parole by the total number of achievement credit days certified by the department and discharge a parolee from its supervision based upon its determination of that reduced time."~~

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [section 1].

~~NEW SECTION. Section 5. Applicability.~~ [This act] applies to an offender paroled by the board of

~~pardons and parole on or after October 1, 2007.~~

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