



Conditions Workgroup Update

Montana CJOC

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The CJJ Team



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Meeting Overview

May CJOC Update from Workgroup

- Review of proposed changes to condition-setting process
- Current condition modification statute
- Problem statement identified
- Workgroup's brainstormed solutions
- Challenges with some proposed solutions identified during the workgroup process

Today's Focus: Condition Modification

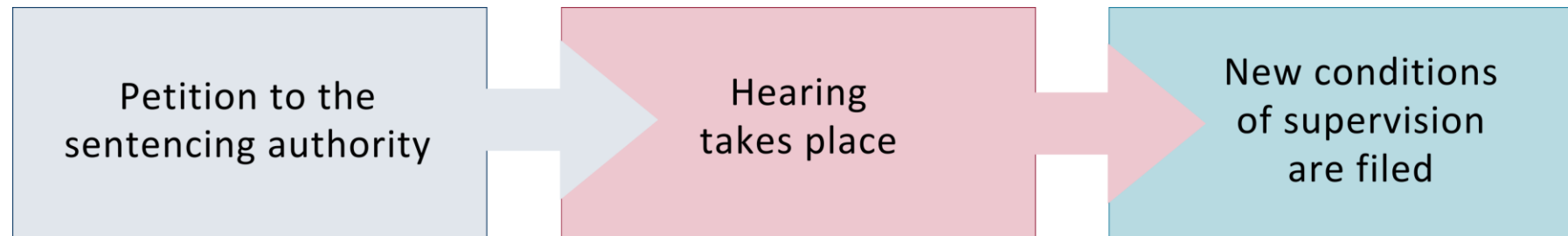
- Adjustments to proposed legislative language, based on CJOC + conditions workgroup feedback
- Next steps

Conditions Modification

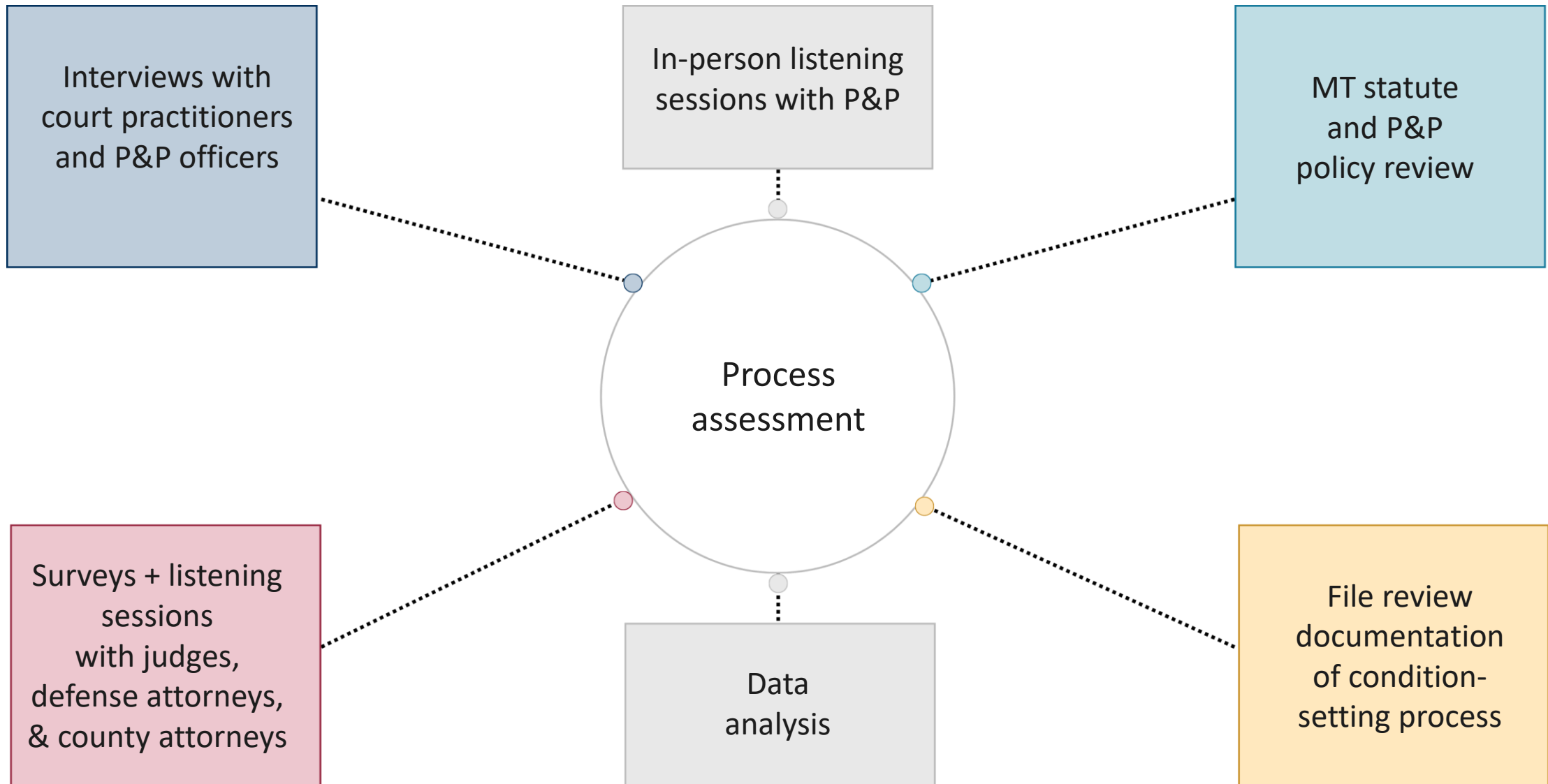
Easing the process for adjusting conditions throughout supervision

Existing Conditions Modification Process

- Authorized under **MCA 46-23-1011**
 - (5) (c) The county attorney may file a petition requesting that the court modify or add conditions as requested by the probation and parole officer.
 - (5) (d) The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court shall hold a hearing pursuant to the provisions of [46-18-203](#).



Gathering Ground-Level Insights



Statutory Language vs. Practical Application

MCA 46-23-1011 →

*Note: Court can **modify** conditions, but removal is not happening in practice.



IS being used to add conditions



IS NOT being used to remove conditions

Leads to:

Inefficient use of **time/resources**, where conditions no longer align.

Potential Solutions



Make the condition modification process faster, without requiring a court hearing in every instance.



Allow for streamlined notice to the court, with the opportunity for the court to ask for the parties to respond where the court takes issue with modification.



Allow for better adjustment to conditions where particular therapeutic programs are not available based on geographic area/resource allocations.

Proposed Conditions Modification Process

Proposed Condition Removal Process

Current Process:

Where conditions are being changed or added

MCA 46-23-1011:

- + (5) (c) The county attorney may file a petition requesting that the court modify or add conditions as requested by the probation and parole officer.
- + (5) (d) The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court shall hold a hearing pursuant to the provisions of [46-18-203](#).

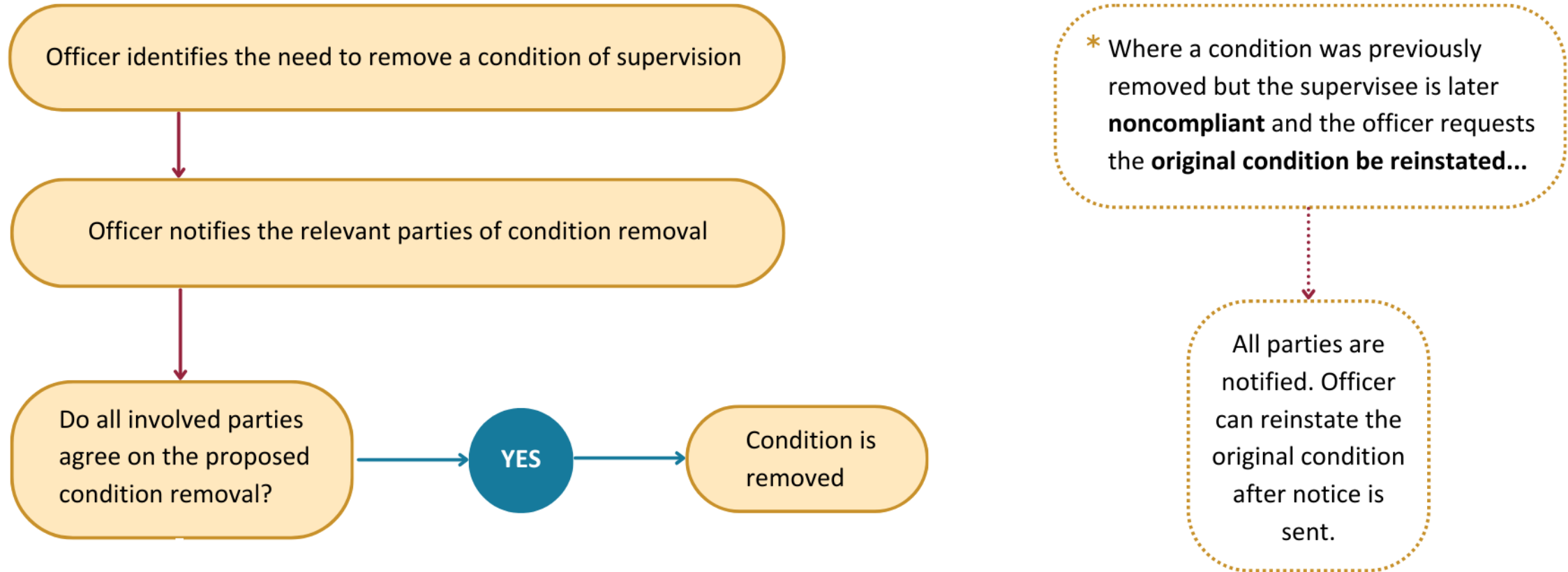
Proposed Process:

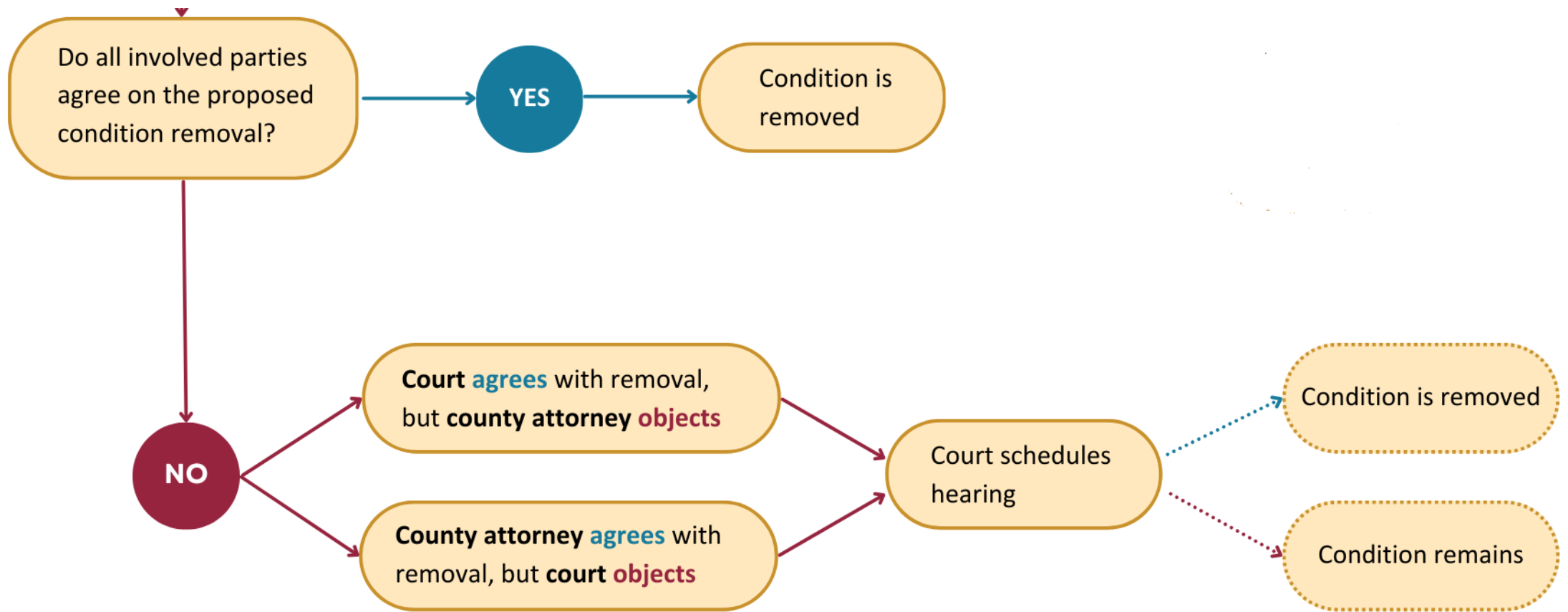
Where conditions are being removed

- The probation and parole officer may act to remove supervision conditions by notifying in writing the sentencing court, the person of supervision, and the county attorney's office that imposed the original sentence.
- The conditions will be removed if none of the parties object to the proposed removal within **14 days**. If any party objects to the proposed removal within that time, the court shall hold a hearing on the question and determine whether the conditions shall be removed.

Proposed Condition Reduction Language

- The probation and parole officer may act to remove supervision conditions by notifying in writing the sentencing court, the person of supervision, and the county attorney's office that imposed the original sentence.
 - To reinstate an original condition that was previously removed, P&P will notify the parties about reinstating the condition.
- The conditions will be removed if none of the parties object to the proposed removal within **14 days**. If any party objects to the proposed removal within that time, the court shall hold a hearing on the question and determine whether the conditions shall be removed.





Next Steps

- Feedback needed from CJOC about proposed language
 - Additional meeting time to workshop language?
 - CJOC drafting schedule
- Standard ARM condition edits sent to ARM committee

Questions? Feedback?

Contact Information

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Thank you!

