

HOUSE BILL NO. 186

INTRODUCED BY A. REGIER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE SIZE OF THE BOARD OF PARDONS AND PAROLE; PROVIDING FOR A TRANSITION; AMENDING SECTION 2-15-2305, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-2305, MCA, is amended to read:

"2-15-2305. Montana board of pardons and parole -- composition and qualifications -- allocation -- quasi-judicial. (1) There is a board of pardons and parole consisting of ~~five~~ six members.

(2) Board members must possess at least one of the following qualifications:

- (a) a college degree in criminology, corrections, or a related social science;
- (b) at least 5 years of extensive work experience in corrections, the criminal justice system, or criminal law; or
- (c) a law degree.

(3) Consideration should be given to balancing members' expertise or knowledge of:

- (a) American Indian culture;
- (b) serious mental illness and recovery from serious mental illness; and
- (c) victim awareness.

(4) Board members shall serve staggered 6-year terms. The terms of board members run with the position, and if a vacancy occurs, the governor shall appoint a person to fill the unexpired portion of the term.

(5) The governor shall designate the presiding officer, as provided in 2-15-124. The governor may designate a different presiding officer at any time. If the governor designates a different presiding officer, the former presiding officer still serves as a board member unless removed for cause pursuant to 2-15-124(6).

(6) The board is allocated to the department of corrections for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

1 (7) The board is designated as a quasi-judicial board for purposes of 2-15-124, except that board
 2 members must be compensated as provided in 46-23-111, the terms of board members must be staggered as
 3 provided in subsection (4), and the provisions of 2-15-124(1) do not apply to the board.

4 (8) A favorable vote of a majority of the members of the board is required to implement a policy,
 5 procedure, or administrative rule. A favorable vote of the majority of the members of a hearing panel, as defined
 6 in 46-23-103, is required to make decisions regarding parole and executive clemency."

7

8 NEW SECTION. Section 2. Transition. (1) Within 60 days of [the effective date of this act], the
 9 governor shall appoint the sixth member of the board who shall serve a term that ends on the first day of
 10 January 2029 and until the member's successor is appointed.

11 (2) After the expiration of the term provided for in subsection (1), the governor shall appoint a
 12 person to serve a full 6-year term as provided in 2-15-2305. The member appointed under subsection (1) may
 13 be reappointed for a full 6-year term.

14 (3) As required by 2-15-124, the board member appointed pursuant to subsection (1) must be
 15 confirmed by the senate.

16

17 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2025.

18

- END -