

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act REVISE APPOINTMENT OF BOARD OF PARDONS AND PAROLE MEMBERS FOR DISCUSSION AT THE SEPTEMBER 11, 2018, MEETING OF THE LAW AND JUSTICE INTERIM COMMITTEE; amending section 2-15-2305, MCA; and providing an applicability date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Nomination process for board of pardons and parole.** (1) (a) If for any reason a vacancy occurs in a position of board of pardons and parole member, including a vacancy due to a resignation or the expiration of a member's term, a four-member nomination committee composed of the speaker of the house, the president of the senate, and the minority leaders of both houses of the legislature shall submit to the governor a list of not less than two or more than five names for each vacant position of individuals for the governor's consideration. A majority of the members of the nomination committee shall agree on each nomination.

(b) The governor shall appoint a board member from the list of nominees submitted by the nomination committee. However, if the nomination committee fails to submit names agreed to by the majority of the nomination committee members, the governor may appoint anyone who meets the qualifications set forth in 2-15-2305(2) and (3).

**Section 2.** 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 members. The members must be appointed as provided in [section 1].

(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 using the process provided for in [section 1].

(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.

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

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

{Internal References to 2-15-2305:

46-23-103x 46-23-1001x}

NEW SECTION. **Section 3. {standard} Applicability.** [This act] applies to a vacancy on the board of pardons and parole that occurs on or after [the effective date of this act].

- END -

{Name : Rachel J. Weiss  
Title : Research Analyst  
Agency : Legislative Services Division  
Phone : 406-444-5367  
E-Mail : rweiss@mt.gov}