

SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY T. MURPHY

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF THE OPERATIONS OF THE MONTANA BOARD OF PARDONS AND PAROLE.

WHEREAS, the increase in the prison population in Montana prisons is well known and documented and has recently led the Montana Legislature to appropriate millions of dollars for increased capacity at Montana prisons for medium security inmates; and

WHEREAS, it costs over \$90 per day to incarcerate an offender but only \$5 per day to supervise an offender on parole, and according to the 2011 biennial report of the Board of Pardons and Parole, 72% of the correctional population is eligible for parole but 60% of those eligible for parole are denied parole on their initial appearance before the Board; and

WHEREAS, the Legislature has the responsibility to ensure that the statutes and policies administered by the Board do not contribute to prison overcrowding and unnecessary additional expense of housing prison inmates who may be safely paroled; and

WHEREAS, the Law and Justice Interim Committee heard testimony during the 2011-2012 interim from persons with loved ones appearing before the Board; and

WHEREAS, the testimony those persons gave to the Committee indicated strong dissatisfaction with the operation of the Board for many reasons, including inmate access to the inmates' own parole files and discrepancies between prison files and Board files; and

WHEREAS, the Board has more discretion than do most other agencies of state government in making administrative decisions and decisions regarding whether to release inmates on parole; and

WHEREAS, it has recently been determined that the Board is exempt from any of the standards contained in section 2-4-305, MCA, governing administrative rules of state agencies, including the prohibition contained in that section that rules may not contravene statutes; and

WHEREAS, as many as 15 states have eliminated their parole boards for various reasons, including monetary savings, but no such proposal has been recently considered by the Montana Legislature; and



