

SJ 3: Study the Board of Pardons and Parole

Good Time -- Legislative Considerations

Prepared by Rachel Weiss
for the Law and Justice Interim Committee
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Background

At its December 2013 meeting, the Law and Justice Interim Committee (LJIC) requested more information about the repeal of "good time" as part of its study of the Board of Pardons and Parole (Board). A legislative history of the bill that repealed good time has been provided in other materials. The purpose of this paper is to provide the LJIC with several topics that it might need or want to discuss when considering whether to request a committee bill relating to good time and when determining the content of a bill draft.

Bill Draft Considerations

- How would good time fit into the state's overall correctional and sentencing policy as outlined in section 46-18-101, MCA?
- How would good time be granted to an offender?
 - ▶ Good behavior?
 - ▶ Program completion? (also known as earned time)
 - ▶ Vocational/educational achievements (earned time)
 - ▶ Combination?
- How much good time would be granted?
- Who would be eligible for good time?
 - ▶ Offenders in prison?
 - ▶ Parolees?
 - ▶ Certain types of offenders only?
- How would granting good time to offenders affect:
 - ▶ victims;
 - ▶ offenders;
 - ▶ District Court judges;
 - ▶ attorneys, both defense and prosecution;
 - ▶ Board and Department of Corrections staff;
 - ▶ the public; and
 - ▶ other affected parties or interest groups?

- Would the grant of good time be retroactive to cover offenders not currently covered by good time?
- How much policy would be in statute and how much left up to the DOC to set by administrative rule?
- What type of records or data would need to be kept or tracked to allow the Legislature to track the policy and budgetary effects of granting good time?
- Other topics?
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