

SENATE BILL NO. 217

INTRODUCED BY D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING WORK TIME CREDIT FOR PROBATIONERS AND PAROLEES; REQUIRING THE PROBATIONER OR PAROLEE TO PROVIDE SUPPORTING DOCUMENTATION; ESTABLISHING WHEN WORK TIME CREDIT MUST BE REVOKED; PROVIDING RESTRICTIONS; AND PROVIDING DEFINITIONS."

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

NEW SECTION. Section 1. Work time credit -- revocation -- definitions. (1) The period of a probationer or parolee's supervision as imposed by the district court or the board may be adjusted for work time credit on the recommendation of a probation and parole officer.

(2) (a) Work time credit equals 1 day for every 40-hour workweek of eligible employment that a probationer or parolee completes while the probationer or parolee is:

(i) compliant with all the conditions imposed by the district court or the board; and

(ii) current on payments for court-ordered restitution or supervisory fees.

(b) A probationer or parolee shall provide supporting documentation to the supervising probation and parole officer within 5 business days after completing 30 days of eligible employment.

(3) (a) The supervising probation and parole officer shall verify the probationer or parolee's employment through the supporting documentation that is provided by the probationer or parolee and by any other means that the court, board, or probation and parole officer determines is necessary to verify the work, including site visits and verification by telephone.

(b) The probation and parole officer shall document any request for work time credit that is denied.

(4) Any work time credit awarded pursuant to this section must be revoked if the probationer or parolee:

(a) violates a condition imposed by the district court or the board;

(b) is charged with a new felony offense; or

(c) is charged with a new misdemeanor offense for which the probationer or parolee could be sentenced to incarceration for a period of more than 6 months.

(5) This section does not apply to an individual who is currently:

~~(a)~~ on probation exclusively for a misdemeanor offense;

~~(b)~~(A) subject to lifetime supervision as provided by law;

~~(c)~~(B) required to register as sexual or violent offender pursuant to Title 46, chapter 23, part 5; or

~~(d)~~(C) subject to a proceeding under the Youth Court Act as provided for in Title 41, chapter 5.

(6) For the purposes of this section, the following definitions apply:

(a) "Eligible employment" means any occupation or combination of occupations for which a person can provide supporting documentation verifying at least 40 wage-earning hours in a 7-day period.

(b) "Supporting documentation" means an employment record, pay stub, employment letter, contract, or other reliable means of verifying employment.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [section 1].

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