



**PROBATION AND PAROLE BUREAU  
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 60-3	Subject: <b>CONDITIONAL DISCHARGE FROM SUPERVISION / EARLY TERMINATION OF DEFERRED AND SUSPENDED SENTENCES</b>	
Reference: <a href="#">ARM 20.25.704</a> <a href="#">46-18-208, MCA</a> ; <a href="#">46-23-1011(5), MCA</a> ; <a href="#">46-23-1020, MCA</a> ; <a href="#">46-23-1021(6), MCA</a> ;	Page 1 of 3	
Effective Date: 06/01/01	Revision Dates: 12/10/01; 06/17/02; 01/13/03; 03/14/03; 12/31/08; 03/15/10; 08/10/11	
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief		

**I. BUREAU DIRECTIVE:**

Probation & Parole Officers will follow established procedures for requesting a Conditional Discharge from Supervision for probationers and parolees, and/or for early termination of deferred and suspended sentences.

**II. DEFINITIONS:**

Conditional Discharge From Supervision – As defined in §46-23-1020, MCA, 1) a discharge from supervision by the Department of Corrections for the time remaining on the sentence imposed if the probationer or parolee complies with all the conditions imposed by the District Court or the Board of Pardons & Parole; and 2) a release from the obligation to pay supervision fees imposed as part of a sentence or as terms of parole or probation.

**III. PROCEDURES:**

**A. CDFS – CONDITIONAL DISCHARGE FROM SUPERVISION**

1. An offender granted a CDFS will no longer be under the supervision of the Montana Probation & Parole Bureau, but will remain under the jurisdiction of the District Court or Board of Pardons and Parole (BOPP) until the date of his/her discharge.
2. A District Court judge or the BOPP may conditionally discharge a probationer or parolee from standard supervision upon recommendation of the supervising Probation & Parole (P&P) Officer if it is determined a conditional discharge is in the best interests of the offender and society and will not present unreasonable risk of danger to the victim(s) of the offense. All restitution and court-ordered financial obligations must be paid in full. The BOPP must consider any of the parole achievement credits of §46-23-1027, MCA, in granting a CDFS.
3. Supervising P&P Officers will review parolees' files and may recommend a CDFS after the parolee has served one (1) year of active supervision unless a reason exists to continue parole supervision.
4. Pursuant to above-referenced statutes, the P&P Bureau may also recommend an offender for CDFS if the workload is above the level of resources available to appropriately supervise offenders.
5. **Sexual and Violent Offenders** shall not be given a CDFS without the approval of the Regional Administrator (RA) and P&P Bureau Chief. Out-of-state sexual/violent offenders will also be reviewed by the Deputy Compact Administrator when applying for a CDFS.
6. Any sexual or violent offender on supervision for life is not eligible for CDFS.



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- e. OMIS move is made showing release to court or BOPP jurisdiction. P&P Officer  
Date entered should be date *P&P 60-3(C) Conditional Discharge Letter* is completed.
- f. The offender's field file is returned to county of commitment and placed P&P Officer  
in CDFS files until date of offender's discharge. Files are then placed with inactive files.

**B. EARLY TERMINATION OF A DEFERRED OR SUSPENDED SENTENCE**

1. Pursuant to §46-18-208, MCA, when imposition of a sentence has been deferred or execution of a sentence has been suspended, the prosecutor or offender may file a petition to terminate the time remaining on the sentence if:
  - a. Deferred Sentences: The offender has served one-half of the deferred sentence and has demonstrated compliance with supervision requirements by completing all court-ordered conditions including treatment mandates, restitution, court-ordered fines, etc.
  - b. Suspended Sentences: The offender has served two-thirds of the time suspended AND has been granted a CDFS and has demonstrated compliance with the CDFS for a minimum of 12 months.
2. The court may hold a hearing on the petition on its own motion or upon request of the prosecutor or the offender.
3. The court may grant the petition if it finds that termination of the remainder of the sentence is in the best interests of society and the offender; termination will not present an unreasonable risk of danger to the victim of the offense; and the offender has paid all restitution and court-ordered financial obligations in full.
4. Officers may utilize *P&P 60-3(F) Petition for Early Termination of Deferred or Suspended Sentence* to assist an offender who has met the criteria to petition the court for termination of a deferred or suspended sentence. The *Petition* also provides for the dismissal of deferred sentences.
5. Officer will notify victim(s) registered with the Department for notification of offender status.

**IV. CLOSING:**

Questions concerning this procedure shall be directed to the RA or designee.

Forms

- P&P 60-3(A) Request for Conditional Discharge From Supervision
- P&P 60-3(A-1) Sample of Request
- P&P 60-3(B) Recommendation for Conditional Discharge from Supervision
- P&P 60-3(C) Conditional Discharge Letter
- P&P 60-3(F) Petition for Early Termination of Deferred or Suspended Sentence