

HOUSE BILL 70

Introduced by Strizich

1/03	Introduced
1/03	Fiscal Note Requested
1/03	Referred to Judiciary
1/07	First Reading
1/11	Fiscal Note Received
1/15	Fiscal Note Printed
1/17	Hearing
1/21	Committee Report--Bill Passed as Amended
1/24	2nd Reading Passed
1/24	Taken from Engrossing and Rereferred to Appropriations
3/11	Hearing
3/22	Tabled in Committee

1 HOUSE BILL NO. 70

2 INTRODUCED BY STRIZICH

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

4 ON ADULT AND JUVENILE DETENTION

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD
7 OF CRIME CONTROL TO ADOPT STANDARDS FOR THE DESIGN,
8 MAINTENANCE, AND OPERATION OF JAILS AND LOCKUPS; PROVIDING
9 FOR THE IMPLEMENTATION OF STANDARDS; AND PROVIDING AN
10 EFFECTIVE DATE."

11
12 STATEMENT OF INTENT

13 The intent of [sections 1 through 12] is to authorize
14 the board of crime control to adopt standards, review
15 applicable design or renovation plans, review inspections
16 for compliance with standards, and assist governing bodies
17 to comply with standards for jails and lockups. It is
18 intended that the board and its staff serve to help jails
19 and lockups comply with standards, rather than solely
20 enforce the standards.

21 The board shall adopt by rule minimum standards of
22 design, maintenance, and operation for jails and lockups.
23 The standards are intended to be an outline of the mandatory
24 minimum necessary for the design, maintenance, and operation
25 of constitutionally acceptable jails and lockups based on

1 the "evolving standard of decency" provided in statute and
2 case law.

3 It is intended that the board and its staff inspect
4 jails and lockups for compliance with standards. When a jail
5 or lockup is found to be noncompliant with certain
6 standards, it is intended that any threat to life of inmates
7 or staff be immediately remedied. In cases where
8 noncompliance is not life-threatening, it is intended that
9 governing bodies work with the board to develop an action
10 plan to remedy the problem within a reasonable time period.
11 If, however, no action plan is developed and no corrective
12 action is taken, it is intended that the board may take
13 appropriate court action, including closure of the facility.

14 It is intended that the board will retain the right to
15 evaluate each design or renovation plan on an individual
16 basis. The design and specifics will be worked out among the
17 board, the local governing body, the respective project
18 architect, appropriate building code inspectors, and the
19 state architect. It is not intended that the standards
20 conflict with or supersede existing building codes, health
21 and safety codes, or fire codes.

22 Finally, it is intended that standards be adopted by
23 July 1, 1992, but that no facility be closed for
24 noncompliance with design standards within 3 years of the
25 adoption of the design standards. This is because design

1 involves much time in planning, bonding, and bidding.

2
3

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

5 NEW SECTION. **Section 1.** Declaration of policy. It is
6 the policy of the state of Montana that all jails and
7 lockups for adult inmates in the state conform to certain
8 minimum standards of design, maintenance, and operation. The
9 board and its staff shall regulate and assist jails,
10 lockups, and governing bodies in achieving minimum
11 standards.

12 NEW SECTION. **Section 2.** Definitions. As used in
13 [sections 1 through 12], the following definitions apply:

14 (1) "Board" means the board of crime control
15 established in 2-15-2006.

16 (2) "Detention officer" means a person or a peace
17 officer who has full-time or part-time authority and
18 responsibility for maintaining custody of inmates and who
19 performs tasks related to the operation of a jail or lockup.

20 (3) "Governing body" means the entity having authority
21 to establish and maintain a jail or lockup.

22 (4) "Inmate" means an adult who is confined in a jail
23 or lockup.

24 (5) "Jail" means a confinement facility for adult
25 inmates:

- 1 (a) established and maintained by a city;
- 2 (b) established and maintained by a county;
- 3 (c) established and maintained by two or more local
4 governments; or
- 5 (d) privately owned or operated for one or more units
6 of local government.

7 (6) "Jail administrator" means the sheriff, chief of
8 police, administrator, superintendent, director, or other
9 individual serving as the chief executive officer of a jail
10 or lockup.

11 (7) "Jail staff" means detention officers and personnel
12 whose duties include:

13 (a) ongoing supervision of the inmates in a jail or
14 lockup; or

15 (b) support of the jail or lockup operation.

16 (8) "Lockup" means a facility for the temporary
17 detention of an arrested person for up to 72 hours,
18 excluding holidays, Saturdays, and Sundays. The period of
19 time a person is held in a lockup may not exceed 96 hours.

20 NEW SECTION. **Section 3.** Powers and duties of board --
21 standards -- rulemaking. (1) The board shall:

22 (a) establish by rule standards for the design,
23 maintenance, and operation of jails and lockups;

24 (b) perform other duties as may be necessary to
25 implement and enforce standards adopted pursuant to

1 subsection (1)(a); and

2 (c) assist governing bodies in the development of jails
3 and lockups that comply with the standards.

4 (2) (a) The board shall study, develop, and implement
5 standards for the design, maintenance, and operation of
6 jails and lockups by July 1, 1992.

7 (b) A facility covered by these standards shall comply
8 with state, local, and federal requirements relating to
9 construction, equipment, fire protection, health, and
10 safety.

11 (3) The board may enter into agreement with other
12 agencies or authorities to provide for joint inspections of
13 jails and lockups.

14 (4) The board shall adopt rules to implement [sections
15 1 through 12].

16 NEW SECTION. Section 4. Maintenance standards. The
17 standards adopted for maintenance of jails and lockups must
18 include but may not be limited to standards for:

19 (1) maintenance of the physical plant, including the
20 structure, its furnishings, and equipment;

21 (2) maintenance of all security systems, such as locks
22 and related hardware, surveillance and detection systems,
23 and communication systems;

24 (3) maintenance of fire safety systems and equipment;
25 and

1 (4) procedures for maintenance of adequate levels of
2 jail and lockup sanitation and housekeeping.

3 NEW SECTION. Section 5. Operation standards. The
4 standards adopted for the operation of jails and lockups
5 must include but may not be limited to standards for:

6 (1) establishment of written policies and procedures to
7 govern jail and lockup operations;

8 (2) staffing levels of jails and lockups;

9 (3) selection, training, assignment, and supervision of
10 jail staff;

11 (4) admission and release of inmates;

12 (5) classification and reclassification of inmates,
13 including procedures for assignment to housing, programs,
14 and related activities;

15 (6) documentation to verify the establishment of
16 standardized recordkeeping systems and the provision of
17 essential functions, programs, and services;

18 (7) establishment of systems and procedures for the
19 handling of inmate mail, visits, and telephone services;

20 (8) procedures for inmate access to media, a general
21 library, and exercise;

22 (9) procedures for inmate access to legal materials,
23 legal counsel, and religious material and services;

24 (10) jail and lockup security procedures and supervision
25 of inmates;

1 (11) the conduct of inmates, including inmate
2 disciplinary and grievance procedures;

3 (12) procedures for supervision and use of the jail and
4 lockup arsenal, firearms, and keys;

5 (13) procedures for the searching of prisoners and
6 visitors to the jail or lockup;

7 (14) admission of visitors, service providers, and other
8 professionals and for their supervision while in the jail or
9 lockup; and

10 (15) provision of essential jail and lockup services,
11 including:

12 (a) food services;

13 (b) medical, dental, and mental health services;

14 (c) laundry services;

15 (d) educational, counseling, and other rehabilitative
16 services;

17 (e) prisoner hygiene services and access to personal
18 hygiene items; and

19 (f) commissary services.

20 NEW SECTION. Section 6. Design standards. (1) The
21 standards adopted for the design of jails and lockups must
22 include but may not be limited to standards for the design
23 and actual construction of new, modified, or renovated jails
24 and lockups when the cost is in excess of \$50,000.

25 (2) Prior to contracting for or constructing a jail or

1 lockup, the governing body shall submit all applicable plans
2 to the board for review to determine compliance with
3 standards.

4 NEW SECTION. Section 7. Inspections -- reports. (1)

5 The staff of the board shall annually visit and inspect each
6 jail and lockup in the state for purposes of determining
7 whether the jails and lockups comply with standards adopted
8 by the board.

9 (2) A written report of each inspection must be made to
10 the jail administrator and the governing body within 30 days
11 following an inspection. The report must specify those areas
12 in which the jail or lockup does not comply with applicable
13 standards.

14 NEW SECTION. Section 8. Failure to meet standards --

15 corrective action. (1) If an inspection under [section 7]
16 discloses that a jail or lockup does not meet standards
17 adopted by the board, the board shall send notice, together
18 with the inspection report, to the jail administrator and
19 the governing body responsible for the jail or lockup.

20 (2) The jail administrator and the appropriate
21 governing body receiving notice of deficiencies shall meet
22 promptly to consider the inspection report. The inspection
23 personnel shall attend the meeting to advise and consult
24 concerning appropriate corrective action. The governing body
25 shall prepare a written plan of corrective action. The

1 governing body may close the jail or lockup or the portion
2 of the jail or lockup failing to meet standards.

3 NEW SECTION. Section 9. Corrective action plan --
4 approval. The written corrective action plan adopted
5 pursuant to [section 8] must specify the actions to be
6 undertaken and establish a reasonable time schedule for
7 attaining compliance with standards. The board shall review
8 and approve or disapprove the plan and the time schedule.

9 NEW SECTION. Section 10. Failure to take corrective
10 action. (1) The board may petition the district court in
11 which a jail or lockup is located, or the first judicial
12 district court, for an order directing the governing body to
13 correct those areas in which the jail or lockup does not
14 comply with standards or to close the jail or lockup if the
15 governing body fails to:

16 (a) initiate corrective action within 6 months of the
17 receipt of an inspection report;

18 (b) correct the noncomplying conditions; or

19 (c) close the jail or lockup or the portion of the jail
20 or lockup not complying with standards.

21 (2) A petition to the district court must include the
22 inspection report regarding the jail or lockup. The
23 governing body has 30 days to respond to the petition.

24 (3) The district court shall hold a hearing on the
25 petition and issue an order either:

1 (a) dismissing the petition;

2 (b) directing that corrective action be initiated in
3 some form by the governing body of the jail or lockup; or

4 (c) directing that the jail or lockup be closed.

5 (4) If the district court directs that the jail or
6 lockup be closed, the operating authority for that facility
7 shall have the right to appeal the district court's decision
8 and to apply for an order staying the closure of the
9 facility until the appeal is heard.

10 NEW SECTION. Section 11. When standards applicable.

11 (1) [Sections 1 through 12] must be implemented upon
12 adoption of standards developed by the board. Inspections
13 must begin after adoption of standards.

14 (2) A jail or lockup may not be closed for
15 noncompliance with standards for operation or maintenance
16 within 2 years of the date of adoption of standards. The
17 board may grant additional time for compliance if it
18 determines no alternative facility is available.

19 (3) Except as provided in subsection (4), standards
20 relating to the design of a jail or lockup, including
21 plumbing, heating, and wiring, may not be enforced for a
22 period of 3 years from the date of adoption of design
23 standards. The board may grant additional time for
24 compliance if it determines no alternative facility is
25 available.

1 (4) If any violations of standards are life-threatening
2 to the inmates or jail personnel, immediate corrective
3 action must be undertaken. The jail administrator shall
4 close the jail or lockup until the threat is removed and
5 corrected.

6 NEW SECTION. **Section 12.** Role of board -- assistance.

7 The board may assist the governing body of a jail or lockup
8 in the implementation of standards, preparation of
9 corrective plans, planning of new centers, and any other
10 area requiring advisory assistance.

11 NEW SECTION. **Section 13.** Effective date. [This act] is

12 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0070, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Board of Crime Control to adopt standards for the design, maintenance, and operation of jails and lockups; providing for the implementation of standards; and providing an effective date.

ASSUMPTIONS:

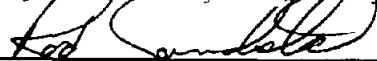
1. The Board of Crime Control will appoint a nine-member detention center committee.
2. The nine-member committee will meet on a quarterly basis and will be reimbursed for actual and necessary expenses. Those members eligible for compensation as defined by 2-15-124, MCA, shall receive compensation while attending meetings or conducting official board duties.
3. The committee will require four permanent staff: a director (Grade 17, Step 2), two inspectors (Grade 15, Step 2), and a secretary (Grade 9, Step 2).

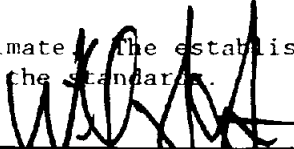
FISCAL IMPACT:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
FTE	0.00	4.00	4.00	0.00	4.00	4.00
Personal Services	0	121,284	121,284	0	127,311	127,311
Operating Costs	0	42,372	42,372	0	45,072	45,072
Equipment	0	24,785	24,785	0	3,395	3,395
Total	0	188,441	188,441	0	175,778	175,778
<u>Funding:</u>						
General Fund	0	188,441	188,441	0	175,778	175,778

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The impact on local government is not subject to reasonable estimate. The establishment of jail compliance standards may affect city and county expenditures in order to comply with the standards.

 1-11-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 1/14/91
 WILLIAM STRIZICH, PRIMARY SPONSOR DATE
 Fiscal Note for HB0070, as introduced **HB 70**

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 70

INTRODUCED BY STRIZICH

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

ON ADULT AND JUVENILE DETENTION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF CRIME CONTROL TO ADOPT STANDARDS FOR THE DESIGN ENVIRONMENT, MAINTENANCE, AND OPERATION OF JAILS AND LOCKUPS; PROVIDING FOR THE IMPLEMENTATION OF STANDARDS; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

The intent of [sections 1 through 12] is to authorize the board of crime control to adopt standards, review applicable design ENVIRONMENTAL or renovation plans, review inspections for compliance with standards, and assist governing bodies to comply with standards for jails and lockups. It is intended that the board and its staff serve to help jails and lockups comply with standards, rather than solely enforce the standards.

The board shall adopt by rule minimum ENVIRONMENTAL STANDARDS AND standards of design, FOR THE maintenance, and operation for OF jails and lockups. The standards are intended to be an outline of the mandatory minimum necessary for the design ENVIRONMENT, maintenance, and operation of

constitutionally acceptable jails and lockups based on the "evolving standard of decency" provided in statute and case law.

It is intended that the board and its staff inspect jails and lockups for compliance with standards. When a jail or lockup is found to be noncompliant with certain standards, it is intended that any threat to life of inmates or staff be immediately remedied. In cases where noncompliance is not life-threatening, it is intended that governing bodies work with the board to develop an action plan to remedy the problem within a reasonable time period. If, however, no action plan is developed and no corrective action is taken, it is intended that the board may take appropriate court action, including closure of the facility.

It is intended that the board will retain the right to evaluate each design ENVIRONMENTAL or renovation plan on an individual basis. The design ENVIRONMENTAL PLAN and specifics will be worked out among the board, the local governing body, the respective project architect, AND appropriate building code inspectors,--and--the--state architect. It is not intended that the standards conflict with or supersede existing building codes, health and safety codes, or fire codes.

Finally, it is intended that standards be adopted by July 1, 1992, but that no facility be closed for

SECOND READING



1 noncompliance with design ENVIRONMENTAL standards within 3
 2 years of the adoption of the design ENVIRONMENTAL standards.
 3 This is because design--involves ENVIRONMENTAL STANDARDS
 4 INVOLVE much time in planning, bonding, and bidding.

5
 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7 NEW SECTION. Section 1. Declaration of policy. It is
 8 the policy of the state of Montana that all jails and
 9 lockups for adult inmates in the state conform to certain
 10 minimum standards--of--design,--maintenance, ENVIRONMENTAL
 11 STANDARDS AND STANDARDS OF MAINTENANCE and operation. The
 12 board and its staff shall regulate and assist jails,
 13 lockups, and governing bodies in achieving minimum
 14 standards.

15 NEW SECTION. Section 2. Definitions. As used in
 16 [sections 1 through 12], the following definitions apply:

17 (1) "Board" means the board of crime control
 18 established in 2-15-2006.

19 (2) "Detention officer" means a person or a peace
 20 officer who has full-time or part-time authority and
 21 responsibility for maintaining custody of inmates and who
 22 performs tasks related to the operation of a jail or lockup.

23 (3) "ENVIRONMENTAL STANDARDS" MEANS SPECIFIC STANDARDS
 24 FOR THE JAIL OR LOCKUP ENVIRONMENT, INCLUDING BUT NOT
 25 LIMITED TO THE NUMBER OF SQUARE FEET PER INMATE AND THE AIR

1 TEMPERATURE IN CELLS AND OTHER ROOMS.

2 ~~(3)~~(4) "Governing body" means the entity having
 3 authority to establish and maintain a jail or lockup.

4 ~~(4)~~(5) "Inmate" means an adult who is confined in a
 5 jail or lockup.

6 ~~(5)~~(6) "Jail" means a confinement facility for adult
 7 inmates:

8 (a) established and maintained by a city;

9 (b) established and maintained by a county;

10 (c) established and maintained by two or more local
 11 governments; or

12 (d) privately owned or operated for one or more units
 13 of local government.

14 ~~(6)~~(7) "Jail administrator" means the sheriff, chief of
 15 police, administrator, superintendent, director, or other
 16 individual serving as the chief executive officer of a jail
 17 or lockup.

18 ~~(7)~~(8) "Jail staff" means detention officers and
 19 personnel whose duties include:

20 (a) ongoing supervision of the inmates in a jail or
 21 lockup; or

22 (b) support of the jail or lockup operation.

23 ~~(8)~~(9) "Lockup" means a facility for the temporary
 24 detention of an arrested person for up to 72 hours,
 25 excluding holidays, Saturdays, and Sundays. The period of

1 time a person is held in a lockup may not exceed 96 hours.

2 NEW SECTION. Section 3. Powers and duties of board --
3 standards -- rulemaking. (1) The board shall:

4 (a) establish by rule standards for the design
5 ENVIRONMENT, maintenance, and operation of jails and
6 lockups;

7 (b) perform other duties as may be necessary to
8 implement and enforce standards adopted pursuant to
9 subsection (1)(a); and

10 (c) assist governing bodies in the development of jails
11 and lockups that comply with the standards.

12 (2) (a) The board shall study, develop, and implement
13 standards for the design ENVIRONMENT, maintenance, and
14 operation of jails and lockups by July 1, 1992.

15 (b) A facility covered by these standards shall comply
16 with state, local, and federal requirements relating to
17 construction, equipment, fire protection, health, and
18 safety.

19 (3) The board may enter into agreement with other
20 agencies or authorities to provide for joint inspections of
21 jails and lockups.

22 (4) The board shall adopt rules to implement [sections
23 1 through 12].

24 NEW SECTION. Section 4. Maintenance standards. The
25 standards adopted for maintenance of jails and lockups must

1 include but may not be limited to standards for:

2 (1) maintenance of the physical plant, including the
3 structure, its furnishings, and equipment;

4 (2) maintenance of all security systems, such as locks
5 and related hardware, surveillance and detection systems,
6 and communication systems;

7 (3) maintenance of fire safety systems and equipment;
8 and

9 (4) procedures for maintenance of adequate levels of
10 jail and lockup sanitation and housekeeping.

11 NEW SECTION. Section 5. Operation standards. The
12 standards adopted for the operation of jails and lockups
13 must include but may not be limited to standards for:

14 (1) establishment of written policies and procedures to
15 govern jail and lockup operations;

16 (2) staffing levels of jails and lockups;

17 (3) selection, training, assignment, and supervision of
18 jail staff;

19 (4) admission and release of inmates;

20 (5) classification and reclassification of inmates,
21 including procedures for assignment to housing, programs,
22 and related activities;

23 (6) documentation to verify the establishment of
24 standardized recordkeeping systems and the provision of
25 essential functions, programs, and services;

- 1 (7) establishment of systems and procedures for the
- 2 handling of inmate mail, visits, and telephone services;
- 3 (8) procedures for inmate access to media, a general
- 4 library, and exercise;
- 5 (9) procedures for inmate access to legal materials,
- 6 legal counsel, and religious material and services;
- 7 (10) jail and lockup security procedures and supervision
- 8 of inmates;
- 9 (11) the conduct of inmates, including inmate
- 10 disciplinary and grievance procedures;
- 11 (12) procedures for supervision and use of the jail and
- 12 lockup arsenal, firearms, and keys;
- 13 (13) procedures for the searching of prisoners and
- 14 visitors to the jail or lockup;
- 15 (14) admission of visitors, service providers, and other
- 16 professionals and for their supervision while in the jail or
- 17 lockup; and
- 18 (15) provision of essential jail and lockup services,
- 19 including:
 - 20 (a) food services;
 - 21 (b) medical, dental, and mental health services;
 - 22 (c) laundry services;
 - 23 (d) educational, counseling, and other rehabilitative
 - 24 services;
 - 25 (e) prisoner hygiene services and access to personal

- 1 hygiene items; and
- 2 (f) commissary services.
- 3 NEW SECTION. Section 6. **Design** ENVIRONMENTAL
- 4 standards. (1) The standards adopted for the **design**
- 5 ENVIRONMENT of jails and lockups must include but may not be
- 6 limited to standards for the **design** ENVIRONMENT and actual
- 7 construction of new, modified, or renovated jails and
- 8 lockups when the cost is in excess of \$50,000.
- 9 (2) Prior to contracting for or constructing a jail or
- 10 lockup, the governing body shall submit all applicable plans
- 11 to the board for review to determine compliance with
- 12 standards.
- 13 NEW SECTION. **Section 7. Inspections -- reports.** (1)
- 14 The staff of the board shall annually visit and inspect each
- 15 jail and lockup in the state for purposes of determining
- 16 whether the jails and lockups comply with standards adopted
- 17 by the board.
- 18 (2) A written report of each inspection must be made to
- 19 the jail administrator and the governing body within 30 days
- 20 following an inspection. The report must specify those areas
- 21 in which the jail or lockup does not comply with applicable
- 22 standards.
- 23 NEW SECTION. **Section 8. Failure to meet standards --**
- 24 **corrective action.** (1) If an inspection under [section 7]
- 25 discloses that a jail or lockup does not meet standards

1 adopted by the board, the board shall send notice, together
 2 with the inspection report, to the jail administrator and
 3 the governing body responsible for the jail or lockup.

4 (2) The jail administrator and the appropriate
 5 governing body receiving notice of deficiencies shall meet
 6 promptly to consider the inspection report. The inspection
 7 personnel shall attend the meeting to advise and consult
 8 concerning appropriate corrective action. The governing body
 9 shall prepare a written plan of corrective action. The
 10 governing body may close the jail or lockup or the portion
 11 of the jail or lockup failing to meet standards.

12 NEW SECTION. Section 9. Corrective action plan --
 13 approval. The written corrective action plan adopted
 14 pursuant to [section 8] must specify the actions to be
 15 undertaken and establish a reasonable time schedule for
 16 attaining compliance with standards. The board shall review
 17 and approve or disapprove the plan and the time schedule.

18 NEW SECTION. Section 10. Failure to take corrective
 19 action. (1) The board may petition the district court in
 20 which a jail or lockup is located, or the first judicial
 21 district court, for an order directing the governing body to
 22 correct those areas in which the jail or lockup does not
 23 comply with standards or to close the jail or lockup if the
 24 governing body fails to:

25 (a) initiate corrective action within 6 months of the

1 receipt of an inspection report;

2 (b) correct the noncomplying conditions; or

3 (c) close the jail or lockup or the portion of the jail
 4 or lockup not complying with standards.

5 (2) A petition to the district court must include the
 6 inspection report regarding the jail or lockup. The
 7 governing body has 30 days to respond to the petition.

8 (3) The district court shall hold a hearing on the
 9 petition and issue an order either:

10 (a) dismissing the petition;

11 (b) directing that corrective action be initiated in
 12 some form by the governing body of the jail or lockup; or

13 (c) directing that the jail or lockup be closed.

14 (4) If the district court directs that the jail or
 15 lockup be closed, the operating authority for that facility
 16 shall have the right to appeal the district court's decision
 17 and to apply for an order staying the closure of the
 18 facility until the appeal is heard.

19 NEW SECTION. Section 11. When standards applicable.

20 (1) [Sections 1 through 12] must be implemented upon
 21 adoption of standards developed by the board. Inspections
 22 must begin after adoption of standards.

23 (2) A jail or lockup may not be closed for
 24 noncompliance with standards for operation or maintenance
 25 within 2 years of the date of adoption of standards. The

1 board may grant additional time for compliance if it
2 determines no alternative facility is available.

3 (3) Except as provided in subsection (4), standards
4 relating to the design ENVIRONMENT of a jail or lockup,
5 including plumbing, heating, and wiring, may not be enforced
6 for a period of 3 years from the date of adoption of design
7 ENVIRONMENTAL standards. The board may grant additional time
8 for compliance if it determines no alternative facility is
9 available.

10 (4) If any violations of standards are life-threatening
11 to the inmates or jail personnel, immediate corrective
12 action must be undertaken. The jail administrator shall
13 close the jail or lockup until the threat is removed and
14 corrected.

15 NEW SECTION. Section 12. Role of board -- assistance.

16 The board may SHALL assist the governing body of a jail or
17 lockup in the implementation of standards, preparation of
18 corrective plans, planning of new centers, and any other
19 area requiring advisory assistance.

20 NEW SECTION. Section 13. Effective date. [This act] is
21 effective July 1, 1991.

-End-