

HOUSE BILL 71

Introduced by Strizich

1/03	Introduced
1/03	Fiscal Note Requested
1/03	Referred to Judiciary
1/07	First Reading
1/12	Fiscal Note Received
1/16	Fiscal Note Printed
1/17	Hearing
1/21	Committee Report--Bill Passed
1/24	2nd Reading Passed
1/26	3rd Reading Passed
	Transmitted to Senate
1/28	First Reading
1/28	Referred to Judiciary
2/06	Hearing
2/18	Tabled in Committee

1 HOUSE BILL NO. 71
 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 REQUIRING SENTENCING
 7 COURTS TO DETERMINE IF INMATES INCARCERATED IN LOCAL
 8 DETENTION CENTERS HAVE THE ABILITY TO PAY INCARCERATION
 9 COSTS; REQUIRING SENTENCING COURTS TO ORDER FINANCIALLY ABLE
 10 INMATES TO PAY FOR THE COST OF THEIR INCARCERATION;
 11 PROVIDING THAT THE FUNDS COLLECTED FROM INMATES BE USED TO
 12 REIMBURSE THE GOVERNMENTAL ENTITIES LIABLE FOR THE
 13 INCARCERATION COSTS OF INMATES; AND AMENDING SECTION
 14 7-32-2245, MCA."
 15

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

17 **Section 1.** Section 7-32-2245, MCA, is amended to read:

18 "7-32-2245. Payment of confinement costs by inmate. The
 19 sentencing court shall determine if an inmate has the
 20 ability to pay for the cost of his incarceration. The
 21 sentencing court shall order a financially able inmate An
 22 ~~inmate found by the sentencing court to have the ability~~ to
 23 pay ~~is~~ liable for the costs of his confinement in a
 24 detention center. The rate at which the inmate ~~must~~ shall
 25 pay the costs must be established at the sentencing hearing.

1 Payment recovered from an inmate must be used to reimburse
 2 the governmental agency or authority liable for the
 3 incarceration costs of the inmate."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0071, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring sentencing courts to determine if inmates incarcerated in local detention centers have the ability to pay incarceration costs; requiring sentencing courts to order financially able inmates to pay for the cost of their incarceration; providing that the funds collected from inmates be used to reimburse the governmental entities liable for the incarceration costs of inmates.

ASSUMPTIONS:


1. Costs related to investigating financial status of individuals and collecting reimbursement monies are absorbed at the local level.
2. Average Daily Population of individuals incarcerated in local detention centers is 633 (Source: Survey conducted by Legislative Council March, 1990).
3. Average daily cost of local incarceration per individual is \$27.50. (Source: Survey by Legislative Council, March 1990)
4. Total annual costs of local incarceration are approximately \$6,353,737 (633 x \$27.50 x 365).
5. Two state agencies (Department of Institutions and Department of Justice, Highway Patrol) are liable for incarceration costs of about 12% of the average daily population. (In FY90, Institutions paid \$414,365 and Highway Patrol paid \$320,000. (Source: agency fiscal officers.)
6. It is assumed that 20% of total costs will be recovered from incarcerated individuals and reimbursed to counties, state agencies (Dept. of Justice, Hwy Patrol, Institutions) or federal agencies.
6. Based on assumptions outlined above, the gross amount of approximately \$152,489 (12% x 20% x \$6,353,738)) will be reimbursed annually to the two state agencies liable for the incarceration costs of the inmate.

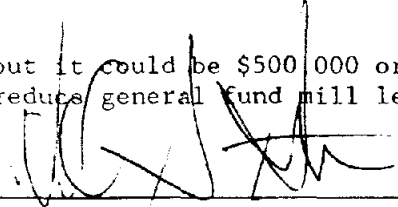
FISCAL IMPACT:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>						
Institutions (General Fund)	0	85,394	85,394	0	85,394	85,394
Justice (State Special)	<u>0</u>	<u>67,095</u>	<u>67,095</u>	<u>0</u>	<u>67,095</u>	<u>67,095</u>
Total	0	152,489	152,489	0	152,489	152,489

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

It is not possible to predict reimbursement to local governments, but it could be \$500,000 or more. Any reimbursements would add to county and city general fund and would theoretically reduce general fund mill levy requirements.


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


 WILLIAM S. STRIZICH, PRIMARY SPONSOR 1/15/91
 DATE

Fiscal Note for HB0071, as introduced

HB 71

APPROVED BY COMMITTEE
ON JUDICIARY

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