

SENATE BILL NO. 58

INTRODUCED BY YELLOWTAIL
BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
ON ADULT AND JUVENILE DETENTION

IN THE SENATE

JANUARY 8, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

 FIRST READING.

FEBRUARY 5, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 6, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 7, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 44; NOES, 5.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 7, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

FEBRUARY 9, 1991 FIRST READING.

MARCH 12, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

March 13, 1991 SECOND READING, PASS CONSIDERATION.

MARCH 14, 1991 SECOND READING, CONCURRED IN.

MARCH 15, 1991 THIRD READING, CONCURRED IN.
 AYES, 92; NOES, 7.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 15, 1991 RECEIVED FROM HOUSE.

MARCH 23, 1991

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED.

MARCH 28, 1991

CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 3, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 22, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 23, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 24, 1991

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 25, 1991

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 25, 1991

FREE CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 29, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

AMENDMENTS CONCURRED IN.

IN THE HOUSE

APRIL 29, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 58
 2 INTRODUCED BY W. H. H. H. H. H.
 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 THE PAYMENT
 7 OF CONFINEMENT COSTS BY THE AGENCY OR AUTHORITY AT WHOSE
 8 INSTANCE AN INMATE IS CONFINED; REQUIRING OUT-OF-STATE
 9 JURISDICTIONS TO PAY THE CONFINEMENT COSTS OF INMATES HELD
 10 ON THEIR BEHALF; REQUIRING CITIES AND TOWNS TO PAY CERTAIN
 11 MEDICAL COSTS OF ARRESTED PERSONS; AND AMENDING SECTIONS
 12 7-32-2222 AND 7-32-2242, MCA."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 7-32-2222, MCA, is amended to read:

16 "7-32-2222. Health and safety of prisoners. (1) Each
 17 detention center must comply with state and local fire codes
 18 for correctional occupancy and with sanitation, safety, and
 19 health codes.

20 (2) Designated exits must permit prompt evacuation of
 21 inmates and detention center staff in an emergency.

22 (3) When there is good reason to believe that the
 23 inmates may be injured or endangered, the detention center
 24 administrator must remove them to a safe and convenient
 25 place and confine them there as long as necessary to avoid

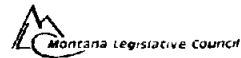
1 the danger.

2 (4) If in the opinion of the detention center
 3 administrator an inmate under his jurisdiction requires
 4 medication, medical services, or hospitalization, the
 5 expense must be borne by the agency or authority at whose
 6 instance the inmate was arrested when the arresting agency
 7 or authority is not the county in which the inmate is
 8 confined, except that if a city or town commits a person to
 9 the detention center of the county in which the city or town
 10 is located for a reason other than detention pending trial
 11 for or detention for service of a sentence for violating an
 12 ordinance of that city or town, the expense must be paid by
 13 the county. The county attorney shall initiate proceedings
 14 to collect from the inmate any charges arising from the
 15 medical services or hospitalization for the inmate involved
 16 if he determines the inmate is financially able to pay.

17 (5) Notwithstanding any other provision of law, a city
 18 or town is liable for payment of medical costs incurred by a
 19 person arrested under its authority if that person is not
 20 subsequently confined in a detention center for a violation
 21 of state law."

22 **Section 2.** Section 7-32-2242, MCA, is amended to read:

23 "7-32-2242. Use of detention center -- payment of
 24 costs. (1) Local government, state, and federal law
 25 enforcement and correctional agencies may use any detention



1 center for the confinement of arrested persons and the
2 punishment of offenders, under conditions imposed by law and
3 with the consent of the governing body responsible for the
4 detention center.

5 (2) If a person is ~~committed to~~ confined in a detention
6 center by ~~a government--unit~~ an agency or authority not
7 responsible for the operation of the detention center, the
8 ~~committing-government-unit-shall-pay-the~~ costs of holding
9 the person in confinement ~~as agreed upon by the government~~
10 ~~unit-and-the-detention-center~~ must be paid by the agency or
11 authority at whose instance the person is confined, except
12 that if a city or town commits a person to the detention
13 center of the county in which the city or town is located
14 for a reason other than detention pending trial for or
15 detention for service of a sentence for violating an
16 ordinance of that city or town, the costs must be paid by
17 the county. Payments must be made to the government unit
18 responsible for the detention center or to the administrator
19 operating a private detention center under an agreement
20 provided for in 7-32-2201, upon presentation of a claim to
21 the ~~committing-government-unit~~ agency or authority at whose
22 instance the person is confined.

23 (3) If a person is a fugitive from justice from an
24 out-of-state jurisdiction, the costs, including medical
25 expenses, of holding the person in a detention center

1 pending extradition must be paid by the out-of-state
2 jurisdiction."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0058, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill for an act entitled: "An act requiring the payment of confinement costs by the agency or authority at whose instance an inmate is confined; requiring out-of-state jurisdictions to pay the confinement costs of inmates held on their behalf; requiring cities and towns to pay certain medical costs of arrested persons; and amending sections 7-32-2222 and 7-32-2242, MCA."

ASSUMPTIONS:

1. This bill requires the payment of confinement and other costs by the agency or authority at whose action an inmate is confined.
2. Assume the Department of Institutions is responsible for the confinement of probationers and parolees. The probationers will have 9,925 days at \$35 per/day= \$347,375 per year.
3. Expense for parolees' confinement in jail already is requested in Correction's program modified budget at \$66,990 each year of the 1993 biennium.
4. Assume Department of Institutions pays medical costs incurred in conjunction with the arrest of a parolee or probationer. The department is unable to calculate the potential fiscal impact of responsibility for the arrest-related medical costs.
5. Highway Patrol incarceration costs per prisoner day will increase 10% per year in the 1992-93 biennium due to removing "as agreed upon" language.
6. Medical costs for Highway Patrol prisoners will be \$50,000 each year of the biennium.
7. Pine Hills School and Mountain View School estimate that they each have 10 youth per year which are runaways and are detained an average of two days at a local facility.
8. If local youth detention facilities are available 7/1/92 then the runaway youth will be detained in them instead of other local facilities. Costs at a youth detention facility is a county responsibility.

FISCAL IMPACT:

see next page


ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

1-14-91
DATE

WILLIAM YELLOWTAIL, PRIMARY SPONSOR

DATE

Fiscal Note for SB0058, as introduced

SB 58

FISCAL IMPACT:

Department of Institutions

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	0	347,375	347,375	0	347,375	347,375
<u>Funding:</u>						
General Fund (01)	0	347,375	347,375	0	347,375	347,375

Department of Justice

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	358,000	444,000	86,000	358,000	484,000	126,000
<u>Funding:</u>						
Highway Special Rev Fund(02)	358,000	444,000	86,000	358,000	484,000	126,000

Department of Family Services

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	0	3,400	3,400	0	3,400	3,400
<u>Funding:</u>						
General Fund (01)	0	3,400	3,400	0	3,400	3,400
Total	358,000	794,775	794,775	358,000	834,775	834,775

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

There will be no impact because counties already are responsible for confinement and medical costs.

SB 58

APPROVED BY COMMITTEE
ON JUDICIARY

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4 ON ADULT AND JUVENILE DETENTION
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING--THE--PAYMENT
7 ~~OF--CONFINEMENT--COSTS--BY--THE--AGENCY--OR--AUTHORITY--AT--WHOSE~~
8 ~~INSTANCE--AN--INMATE--IS--CONFINED~~ REVISING THE LAW RELATING TO
9 PAYMENT OF MEDICAL AND CONFINEMENT COSTS OF INCARCERATED
10 PERSONS; CLARIFYING THAT MEDICAL AND CONFINEMENT COSTS OF
11 INCARCERATED PERSONS MUST BE BORNE BY THE ARRESTING AGENCY,
12 WITH AN EXCEPTION FOR CITIES AND TOWNS; REQUIRING
13 OUT-OF-STATE JURISDICTIONS TO PAY THE CONFINEMENT COSTS OF
14 INMATES HELD ON THEIR BEHALF; REQUIRING--CITIES--AND--TOWNS--TO
15 PAY--CERTAIN--MEDICAL--COSTS--OF--ARRESTED--PERSONS; AND AMENDING
16 SECTIONS 7-32-2222 AND 7-32-2242, MCA."

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 **Section 1.** Section 7-32-2222, MCA, is amended to read:
20 "7-32-2222. Health and safety of prisoners. (1) Each
21 detention center must comply with state and local fire codes
22 for correctional occupancy and with sanitation, safety, and
23 health codes.

24 (2) Designated exits must permit prompt evacuation of
25 inmates and detention center staff in an emergency.

1 (3) When there is good reason to believe that the
2 inmates may be injured or endangered, the detention center
3 administrator must remove them to a safe and convenient
4 place and confine them there as long as necessary to avoid
5 the danger.

6 (4) If in the opinion of the detention center
7 administrator an inmate under his jurisdiction requires
8 medication, medical services, or hospitalization, the
9 expense must be borne by the ARRESTING agency ~~or--authority~~
10 ~~at-whose-instance-the-inmate-was-arrested~~ when the arresting
11 agency ~~or--authority~~ is not the county in which the inmate is
12 confined, except that if a city or town commits a person to
13 the detention center of the county in which the city or town
14 is located for a reason other than detention pending trial
15 for or detention for service of a sentence for violating an
16 ordinance of that city or town, the expense must be paid by
17 the county. The county attorney shall initiate proceedings
18 to collect from the inmate any charges arising from the
19 medical services or hospitalization for the inmate involved
20 if he determines the inmate is financially able to pay.

21 ~~(5)--Notwithstanding-any-other-provision-of-law,a-city~~
22 ~~or-town-is-liable-for-payment-of-medical-costs-incurred-by-a~~
23 ~~person-arrested-under-its-authority-if-that-person-is-not~~
24 ~~subsequently-confined-in-a-detention-center-for-a-violation~~
25 ~~of-state-law."~~

SECOND READING

1 **Section 2.** Section 7-32-2242, MCA, is amended to read:

2 "7-32-2242. Use of detention center -- payment of
3 costs. (1) Local government, state, and federal law
4 enforcement and correctional agencies may use any detention
5 center for the confinement of arrested persons and the
6 punishment of offenders, under conditions imposed by law and
7 with the consent of the governing body responsible for the
8 detention center.

9 (2) If a person is ~~committed-to~~ confined in a detention
10 center by ~~a-government-unit~~ an ARRESTING agency or-authority
11 not responsible for the operation of the detention center,
12 the ~~committing--government--unit--shall--pay--the~~ costs of
13 holding the person in confinement ~~as-agreed-upon-by-the~~
14 government-unit-and-the-detention-center, AS AGREED UPON BY
15 THE ARRESTING AGENCY AND THE DETENTION CENTER, must be paid
16 by the ARRESTING agency or-authority-at-whose--instance--the
17 person--is-confined, except that if a city or town commits a
18 person to the detention center of the county in which the
19 city or town is located for a reason other than detention
20 pending trial for or detention for service of a sentence for
21 violating an ordinance of that city or town, the costs must
22 be paid by the county. Payments must be made to the
23 government unit responsible for the detention center or to
24 the administrator operating a private detention center under
25 an agreement provided for in 7-32-2201, upon presentation of

1 a claim to the ~~committing-government-unit~~ ARRESTING agency
2 or-authority-at-whose-instance-the-person-is-confined.

3 (3) If a person is a fugitive from justice from an
4 out-of-state jurisdiction, the costs, including medical
5 expenses, of holding the person in a detention center
6 pending extradition must be paid by the out-of-state
7 jurisdiction."

-End-

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 3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
 4 ON ADULT AND JUVENILE DETENTION
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 12 WITH AN EXCEPTION FOR CITIES AND TOWNS; REQUIRING
 13 OUT-OF-STATE JURISDICTIONS TO PAY THE CONFINEMENT COSTS OF
 14 INMATES HELD ON THEIR BEHALF; ~~REQUIRING--CITIES--AND--TOWNS--TO~~
 15 ~~PAY--CERTAIN--MEDICAL--COSTS--OF--ARRESTED--PERSONS,~~ AND AMENDING
 16 SECTIONS 7-32-2222 AND 7-32-2242, MCA."

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 21 detention center must comply with state and local fire codes
 22 for correctional occupancy and with sanitation, safety, and
 23 health codes.

24 (2) Designated exits must permit prompt evacuation of
 25 inmates and detention center staff in an emergency.

1 (3) When there is good reason to believe that the
 2 inmates may be injured or endangered, the detention center
 3 administrator must remove them to a safe and convenient
 4 place and confine them there as long as necessary to avoid
 5 the danger.

6 (4) If in the opinion of the detention center
 7 administrator an inmate under his jurisdiction requires
 8 medication, medical services, or hospitalization, the
 9 expense must be borne by the ARRESTING agency ~~or--authority~~
 10 ~~at-whose-instance-the-inmate-was-arrested~~ when the arresting
 11 agency ~~or--authority~~ is not the county in which the inmate is
 12 confined, except that if a city or town commits a person to
 13 the detention center of the county in which the city or town
 14 is located for a reason other than detention pending trial
 15 for or detention for service of a sentence for violating an
 16 ordinance of that city or town, the expense must be paid by
 17 the county. The county attorney shall initiate proceedings
 18 to collect from the inmate any charges arising from the
 19 medical services or hospitalization for the inmate involved
 20 if he determines the inmate is financially able to pay.

21 ~~(5)--Notwithstanding-any-other-provision-of-law--a-city~~
 22 ~~or-town-is-liable-for-payment-of-medical-costs-incurred-by-a~~
 23 ~~person--arrested--under--its-authority-if-that-person-is-not~~
 24 ~~subsequently-confined-in-a-detention-center-for-a-violation~~
 25 ~~of-state-law."~~

THIRD READING



1 **Section 2.** Section 7-32-2242, MCA, is amended to read:

2 "7-32-2242. Use of detention center -- payment of
3 costs. (1) Local government, state, and federal law
4 enforcement and correctional agencies may use any detention
5 center for the confinement of arrested persons and the
6 punishment of offenders, under conditions imposed by law and
7 with the consent of the governing body responsible for the
8 detention center.

9 (2) If a person is ~~committed-to~~ confined in a detention
10 center by ~~a-government-unit~~ an ARRESTING agency or authority
11 not responsible for the operation of the detention center,
12 the ~~committing--government--unit--shall--pay--the~~ costs of
13 holding the person in confinement ~~as-agreed-upon-by-the~~
14 government-unit-and-the-detention-center, AS AGREED UPON BY
15 THE ARRESTING AGENCY AND THE DETENTION CENTER, must be paid
16 by the ARRESTING agency or authority-at-whose--instance--the
17 person--is-confined, except that if a city or town commits a
18 person to the detention center of the county in which the
19 city or town is located for a reason other than detention
20 pending trial for or detention for service of a sentence for
21 violating an ordinance of that city or town, the costs must
22 be paid by the county. Payments must be made to the
23 government unit responsible for the detention center or to
24 the administrator operating a private detention center under
25 an agreement provided for in 7-32-2201, upon presentation of

1 a claim to the ~~committing-government-unit~~ ARRESTING agency
2 or authority-at-whose-instance-the-person-is-confined.

3 (3) If a person is a fugitive from justice from an
4 out-of-state jurisdiction, the costs, including medical
5 expenses, of holding the person in a detention center
6 pending extradition must be paid by the out-of-state
7 jurisdiction."


-End-

HOUSE STANDING COMMITTEE REPORT

March 12, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 58 (third reading copy -- blue) be concurred in as amended .

Signed: 
Bill Strizich, Chairman

Carried by: Rep. Rice

And, that such amendments read:

1. Title, line 12.

Following: "TOWNS"

Insert: "AND AN EXCEPTION FOR THE DEPARTMENT OF INSTITUTIONS"

2. Page 2, line 17.

Following: "the county."

Insert: "Medical expenses for an inmate detained as a probation violator may not be charged to the department of institutions."

3. Page 3, lines 14 and 15.

Strike: "AS AGREED UPON BY THE ARRESTING AGENCY AND THE DETENTION CENTER"

Insert: "at a rate agreeable to the detention center and covering the reasonable confinement costs"

4. Page 3, line 22.

Following: "the county."

Insert: "Costs of confining a probation violator may not be charged to the department of institutions."

HOUSE

SB 58

531134SC.HSF

1 SENATE BILL NO. 58

2 INTRODUCED BY YELLOWTAIL

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

4 ON ADULT AND JUVENILE DETENTION

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12 WITH AN EXCEPTION FOR CITIES AND TOWNS AND AN EXCEPTION FOR
13 THE DEPARTMENT OF INSTITUTIONS; REQUIRING OUT-OF-STATE
14 JURISDICTIONS TO PAY THE CONFINEMENT COSTS OF INMATES HELD
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17 7-32-2222 AND 7-32-2242, MCA."

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21 **"7-32-2222. Health and safety of prisoners.** (1) Each
22 detention center must comply with state and local fire codes
23 for correctional occupancy and with sanitation, safety, and
24 health codes.

25 (2) Designated exits must permit prompt evacuation of

1 inmates and detention center staff in an emergency.

2 (3) When there is good reason to believe that the
3 inmates may be injured or endangered, the detention center
4 administrator must remove them to a safe and convenient
5 place and confine them there as long as necessary to avoid
6 the danger.

7 (4) If in the opinion of the detention center
8 administrator an inmate under his jurisdiction requires
9 medication, medical services, or hospitalization, the
10 expense must be borne by the ARRESTING agency ~~or-authority~~
11 ~~at-whose-instance-the-inmate-was-arrested~~ when the arresting
12 agency ~~or-authority~~ is not the county in which the inmate is
13 confined, except that if a city or town commits a person to
14 the detention center of the county in which the city or town
15 is located for a reason other than detention pending trial
16 for or detention for service of a sentence for violating an
17 ordinance of that city or town, the expense must be paid by
18 the county. MEDICAL EXPENSES FOR AN INMATE DETAINED AS A
19 PROBATION VIOLATOR MAY NOT BE CHARGED TO THE DEPARTMENT OF
20 INSTITUTIONS. The county attorney shall initiate proceedings
21 to collect from the inmate any charges arising from the
22 medical services or hospitalization for the inmate involved
23 if he determines the inmate is financially able to pay.

24 ~~(5)--Notwithstanding-any-other-provision-of-law,-a-city~~
25 ~~or-town-is-liable-for-payment-of-medical-costs-incurred-by-a~~

~~person--arrested--under--its--authority--if--that--person--is--not
subsequently--confined--in--a--detention--center--for--a--violation
of--state--law--"~~

Section 2. Section 7-32-2242, MCA, is amended to read:

"7-32-2242. Use of detention center -- payment of costs. (1) Local government, state, and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center.

(2) If a person is ~~committed-to~~ confined in a detention center by ~~a-government-unit~~ an ARRESTING agency or-authority not responsible for the operation of the detention center, ~~the committing--government--unit--shall--pay--the~~ costs of holding the person in confinement ~~as-agreed-upon-by-the~~ government-unit-and-the-detention-center, AS-AGREED-UPON--BY THE--ARRESTING--AGENCY--AND--THE--DETENTION-CENTER AT A RATE AGREEABLE TO THE DETENTION CENTER AND COVERING THE REASONABLE CONFINEMENT COSTS, ~~must be paid by the ARRESTING agency or--authority--at--whose--instance--the--person--is~~ confined, except that if a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an

ordinance of that city or town, the costs must be paid by the county. COSTS OF CONFINING A PROBATION VIOLATOR MAY NOT BE CHARGED TO THE DEPARTMENT OF INSTITUTIONS. Payments must be made to the government unit responsible for the detention center or to the administrator operating a private detention center under an agreement provided for in 7-32-2201, upon presentation of a claim to the ~~committing--government--unit~~ ARRESTING agency or-authority-at-whose-instance-the-person is-confined.

(3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including medical expenses, of holding the person in a detention center pending extradition must be paid by the out-of-state jurisdiction."

-End-

Free Conference Committee
on Senate Bill No. 58
Report No. 1, April 24, 1991

April 24, 1991
Page 2 of 2

Page 1 of 2

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill No. 58, met, considered, and we recommend that Senate Bill No. 58 (reference copy - salmon) be amended as follows:

1. Page 2, line 7.
Following: "{4}"
Insert: "(a)"
2. Page 2, line 13.
Following: "except"
Strike: "that if"
Insert: "as provided in subsection (4)(b).
(b) If"
3. Page 2, line 18 through 20.
Following: "county." on line 18
Strike: remainder of line 18 through "INSTITUTIONS." on line 20
Insert: "If the department of institutions is the arresting agency and the inmate is a probation violator, the expense must be paid by the county in which the district court that retains jurisdiction over the inmate is located.
(c)"
4. Page 3, line 12.
Following: "(2)"
Insert: "(a)"
5. Page 3, lines 18 through 20.
Following: "~~CENTER~~" on line 18
Strike: remainder of line 18 through "COSTS." on line 20
6. Page 3, line 21.
Following: "agency"
Insert: "at a rate that is agreed upon by the arresting agency and the detention center and that covers the reasonable costs of confinement, excluding capital construction costs"
7. Page 3, line 22.
Following: "except"
Strike: "that if"
Insert: "as provided in subsection (2)(b).
(b) If"
8. Page 4, lines 2 and 3.
Following: "county." on line 2


ADOPT

REJECT

Strike: remainder of line 2 through "INSTITUTIONS." on line 3
Insert: "If the department of institutions is the arresting agency and the inmate is a probation violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located.
(c)"

And that this Free Conference Committee report be adopted.

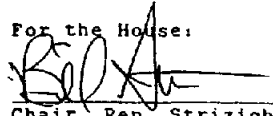
For the Senate:


Chair, Sen. Yellowtail


Sen. Halligan


Sen. Harp

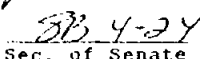
For the House:


Chair, Rep. Strizich


Rep. Russell


Rep. Messmore


Md. Coord.


Sec. of Senate

881422CC.Sji

FCCR #1
SB 58

881422CC.Sji



AN ACT REVISING THE LAW RELATING TO PAYMENT OF MEDICAL AND CONFINEMENT COSTS OF INCARCERATED PERSONS; CLARIFYING THAT MEDICAL AND CONFINEMENT COSTS OF INCARCERATED PERSONS MUST BE BORNE BY THE ARRESTING AGENCY, WITH AN EXCEPTION FOR CITIES AND TOWNS AND AN EXCEPTION FOR THE DEPARTMENT OF INSTITUTIONS; REQUIRING OUT-OF-STATE JURISDICTIONS TO PAY THE CONFINEMENT COSTS OF INMATES HELD ON THEIR BEHALF; AND AMENDING SECTIONS 7-32-2222 AND 7-32-2242, MCA.

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

Section 1. Section 7-32-2222, MCA, is amended to read:

"7-32-2222. Health and safety of prisoners. (1) Each detention center must comply with state and local fire codes for correctional occupancy and with sanitation, safety, and health codes.

(2) Designated exits must permit prompt evacuation of inmates and detention center staff in an emergency.

(3) When there is good reason to believe that the inmates may be injured or endangered, the detention center administrator must remove them to a safe and convenient place and confine them there as long as necessary to avoid the danger.

(4) (a) If in the opinion of the detention center administrator an inmate under his jurisdiction requires medication, medical services, or hospitalization, the expense must be borne by the arresting agency or authority at whose instance

~~the inmate was arrested~~ when the arresting agency or authority is not the county in which the inmate is confined, except ~~that if~~ as provided in subsection (4)(b).

(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the expense must be paid by the county. If the department of institutions is the arresting agency and the inmate is a probation violator, the expense must be paid by the county in which the district court that retains jurisdiction over the inmate is located.

(c) The county attorney shall initiate proceedings to collect from the inmate any charges arising from the medical services or hospitalization for the inmate involved if he determines the inmate is financially able to pay."

Section 2. Section 7-32-2242, MCA, is amended to read:

"7-32-2242. Use of detention center -- payment of costs. (1) Local government, state, and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center.

(2) (a) If a person is ~~committed to~~ confined in a detention center by ~~a government unit~~ an arresting agency not responsible

for the operation of the detention center, the committing government--unit--shall--pay--the costs of holding the person in confinement as--agreed--upon--by--the--government--unit--and--the detention-center, must be paid by the arresting agency at a rate that is agreed upon by the arresting agency and the detention center and that covers the reasonable costs of confinement, excluding capital construction costs, except that-if as provided in subsection (2)(b).

must be paid by the out-of-state jurisdiction."

(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the costs must be paid by the county. If the department of institutions is the arresting agency and the inmate is a probation violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located.

(c) Payments must be made to the government unit responsible for the detention center or to the administrator operating a private detention center under an agreement provided for in 7-32-2201, upon presentation of a claim to the committing government-unit arresting agency.

(3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including medical expenses, of holding the person in a detention center pending extradition