SENATE BILL NO. 196

INTRODUCED BY T. BECK, THOFT, BROOKE, VAN VALKENBURG, HALLIGAN, HARP, GRADY, SWYSGOOD BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

	IN THE SENATE
JANUARY 25, 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.
FEBRUARY 7, 1991	SECOND READING, DO PASS.
FEBRUARY 8, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 43; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
FEBRUARY 8, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 9, 1991	FIRST READING.
WADOU 7 1001	
MARCH 7, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 7, 1991 MARCH 9, 1991	CONCURRED IN AS AMENDED. REPORT
·	CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 9, 1991	CONCURRED IN AS AMENDED. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
MARCH 9, 1991	CONCURRED IN AS AMENDED. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 98; NOES, 1.

MARCH 16, 1991

SECOND READING, AMENDMENTS NOT

CONCURRED IN.

	ON MOTION, CONFERENCE COMMITTEE REQUESTED.
MARCH 20, 1991	CONFERENCE COMMITTEE APPOINTED.
	IN THE HOUSE
MARCH 21, 1991	ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.
	IN THE SENATE
APRIL 23, 1991	CONFERENCE COMMITTEE REPORTED.
APRIL 24, 1991	SECOND READING, CONFERENCE COMMITTEE REPORT ADOPTED.
APRIL 24, 1991	THIRD READING, CONFERENCE COMMITTEE REPORT ADOPTED.
	IN THE HOUSE
APRIL 24, 1991	CONFERENCE COMMITTEE REPORT ADOPTED.
	IN THE SENATE
APRIL 25, 1991	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

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2	INTRODUCED BY T. Bel Theft saide V. When the
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4	HARP Surgagore
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
6	CONFINEMENT OF PERSONS COMMITTED TO THE DEPARTMENT OF
7	INSTITUTIONS WHEN A DEPARTMENT CORRECTIONAL INSTITUTION OR
8	SYSTEM EXCEEDS ITS EMERGENCY CAPACITY; AND AMENDING SECTION
9	53-30-106, MCA."
.0	
.1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 53-30-106, MCA, is amended to read:
L3	"53-30-106. Contractsfor Excessive inmate population
14	confinement of inmates in other institutions. (1) If the
15	inmate population of a correctional institution or system
16	exceeds the emergency capacity for 30 consecutive days, the
١7	director of the department of institutions may declare that
L 8	the emergency capacity has been exceeded and temporarily
.9	stop admissions to the institution or system. The director
20	shall notify each sheriff and district court that new
21	inmates will not be accepted by the department for admission
2	into the institution or system until the inmate population
23	is reduced to 95% or less of the emergency capacity. Persons
24	
. 4	committed to the department and persons sought to be

L	be kept in a detention center in the jurisdiction holding
2	them. The department shall reimburse that jurisdiction for
3	the cost of detention for the period beyond the normal time
4	of delivery to a correctional institution administered by
5	the department. Reimbursement must be at a rate mutually
6	agreeable to the department and the jurisdiction holding the
7	person.
8	(1)(2) When-the-state-prison-is-inadequate-to-contain
9	an-inmate-sentenced-to-confinement-there, the $\underline{\mathtt{The}}$ department
0	of institutions may enter into contracts with the federal
1	government, other states, or the commissioners of counties
2	that have suitable jails detention centers for confining
3	inmates sentenced committed to thestateprison a
4	correctional institution or system administered by the
5	department of institutions, either because a correctional
6	institution or system has exceeded its emergency capacity or
7	because the department has no institution that is adequate
8	for certain inmates.
9	(2)(3) Within budgetary limits, the department of
0	institutions may also enter into contracts with public or
1	private corporations for the confinement of selected inmates
2	where if suitable programs have been established."

-End-

APPROVED BY COMMITTEE ON JUDICIARY

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18	director of the department of institutions may declare that
19	the emergency capacity has been exceeded and temporarily
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21	shall notify each sheriff and district court that new
22	inmates will not be accepted by the department for admission
23	into the institution or system until the inmate population
24	is reduced to 95% or less of the emergency capacity. Persons
25	committed to the department and persons sought to be

1	admitted remain in the department's legal custody but must
2	be kept in a detention center in the jurisdiction holding
3	them. IN THE EVENT THE JURISDICTION HOLDING THE INMATE IS AT
4	MAXIMUM CAPACITY, THE INMATE MAY BE PLACED IN AN AVAILABLE
5	DETENTION CENTER IN ANOTHER JURISDICTION. The department
6	shall reimburse that jurisdiction for the cost of detention
7	for the period beyond the normal time of delivery to a
8	correctional institution administered by the department.
9	Reimbursement must be at a rate mutually agreeable to the
1.0	department and the jurisdiction holding the person. THE RATE
11	MUST COVER THE REASONABLE COSTS OF THE HOLDING JURISDICTION.
12	EXPENSES FOR MEDICATION, MEDICAL SERVICES, OR
13	HOSPITALIZATION FOR PERSONS CONFINED IN A DETENTION CENTER
14	UNDER THIS SECTION MUST BE BORNE BY THE DEPARTMENT.
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24	because the department has no institution that is adequate

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2 institutions may also enter into contracts with public or
3 private corporations for the confinement of selected inmates
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2	INTRODUCED BY T. BECK, THOFT, BROOKE,	2	be kept in a detention center in the jurisdiction holding
3	VAN VALKENBURG, HALLIGAN, HARP, GRADY, SWYSGOOD	3	them. IN THE EVENT THE JURISDICTION HOLDING THE INMATE IS AT
4	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	4	MAXIMUM CAPACITY, THE INMATE MAY BE PLACED IN AN AVAILABLE
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8	INSTITUTIONS WHEN A DEPARTMENT CORRECTIONAL INSTITUTION OR	8	correctional institution administered by the department.
9	SYSTEM EXCEEDS ITS EMERGENCY CAPACITY; AND AMENDING SECTION	9	Reimbursement must be at a rate mutually agreeable to the
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-End-

SB 196

HOUSE STANDING COMMITTEE REPORT

March 7, 1991 Page 1 of 1

Mr. Speaker: We, the committee on <u>Judiciary</u> report that Senate Bill 196 (third reading copy -- blue) be concurred in as

amended .

Strizich, Chairman

And, that such amendments read:

1. Page 2, line 9. Strike: "mutually"

2. Page 2, line 10.
Strike: "department and the"

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SB 196

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	-End-

Conference Committee on Senate Bill No. 196 Report No. 1, April 23, 1991

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 196, met and considered the House Judiciary Standing Committee Report dated March 7, 1991 and we recommend that the House recede from its amendments.

And that this Conference Committee report be adopted.

For the Senate:

Chair, Sen. Van Valkenburg

Sen. Waldyan

1 mg

For the House:

Chair, Rep. Stri

Rep. Brooke

Rep. Thoft

Ama. Coord.

 $\frac{573}{\text{Sec. of Senate}}$

ADOPT

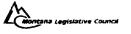
REJECT

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