

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.

MARCH 7, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 9, 1991 SECOND READING, CONCURRED IN.

MARCH 11, 1991 THIRD READING, CONCURRED IN.
AYES, 98; NOES, 1.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 11, 1991 RECEIVED FROM HOUSE.

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.

APPROVED BY COMMITTEE
ON JUDICIARY

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
CONFINEMENT OF PERSONS COMMITTED TO THE DEPARTMENT OF
INSTITUTIONS WHEN A DEPARTMENT CORRECTIONAL INSTITUTION OR
SYSTEM EXCEEDS ITS EMERGENCY CAPACITY; AND AMENDING SECTION
53-30-106, MCA."

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

Section 1. Section 53-30-106, MCA, is amended to read:

"53-30-106. Contracts--for Excessive inmate population
-- confinement of inmates in other institutions. (1) If the
inmate population of a correctional institution or system
exceeds the emergency capacity for 30 consecutive days, the
director of the department of institutions may declare that
the emergency capacity has been exceeded and temporarily
stop admissions to the institution or system. The director
shall notify each sheriff and district court that new
inmates will not be accepted by the department for admission
into the institution or system until the inmate population
is reduced to 95% or less of the emergency capacity. Persons
committed to the department and persons sought to be

admitted remain in the department's legal custody but must
be kept in a detention center in the jurisdiction holding
them. IN THE EVENT THE JURISDICTION HOLDING THE INMATE IS AT
MAXIMUM CAPACITY, THE INMATE MAY BE PLACED IN AN AVAILABLE
DETENTION CENTER IN ANOTHER JURISDICTION. The department
shall reimburse that jurisdiction for the cost of detention
for the period beyond the normal time of delivery to a
correctional institution administered by the department.
Reimbursement must be at a rate mutually agreeable to the
department and the jurisdiction holding the person. THE RATE
MUST COVER THE REASONABLE COSTS OF THE HOLDING JURISDICTION.
EXPENSES FOR MEDICATION, MEDICAL SERVICES, OR
HOSPITALIZATION FOR PERSONS CONFINED IN A DETENTION CENTER
UNDER THIS SECTION MUST BE BORNE BY THE DEPARTMENT.

~~{+}(2) When the state prison is inadequate to contain~~
~~an inmate sentenced to confinement there, the~~ The department
of institutions may enter into contracts with the federal
government, other states, or the commissioners of counties
that have suitable ~~jails~~ detention centers for confining
inmates ~~sentenced committed to the state prison a~~
correctional institution or system administered by the
department of institutions, either because a correctional
institution or system has exceeded its emergency capacity or
because the department has no institution that is adequate
for certain inmates.

SECOND READING

SB 0196/02

1 ~~(2)~~(3) Within budgetary limits, the department of
2 institutions may also enter into contracts with public or
3 private corporations for the confinement of selected inmates
4 where if suitable programs have been established."

-End-

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THIRD READING



SB 0196/02

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-End-

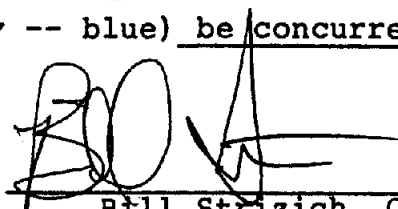
HOUSE STANDING COMMITTEE REPORT

March 7, 1991

Page 1 of 1

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

Signed:



Bill Strizich, Chairman

And, that such amendments read:

1. Page 2, line 9.

Strike: "mutually"

2. Page 2, line 10.

Strike: "department and the"

SB 196

HOUSE

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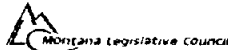
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for certain inmates.



SB 0196/03

1 †2) (3) Within budgetary limits, the department of
2 institutions may also enter into contracts with public or
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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.

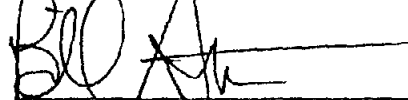
For the Senate:


Chair, Sen. Van Valkenburg


Sen. Halligan

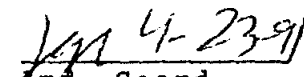

Sen. Beck

For the House:


Chair, Rep. Strizich


Rep. Brooke


Rep. Thoft


Amd. Coord.


Sec. of Senate

ADOPT

REJECT

CCR 41
SB 196
871405CC.Sji

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SB 0196/04

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