

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on January 17, 1991,
at 8:10 a.m.

ROLL CALL

Members Present:

Bill Strizich, Chair (D)
Vivian Brooke, Vice-Chair (D)
Arlene Becker (D)
William Boharski (R)
Dave Brown (D)
Robert Clark (R)
Paula Darko (D)
Budd Gould (R)
Royal Johnson (R)
Vernon Keller (R)
Thomas Lee (R)
Bruce Measure (D)
Charlotte Messmore (R)
Linda Nelson (D)
Jim Rice (R)
Angela Russell (D)
Jessica Stickney (D)
Howard Toole (D)
Tim Whalen (D)
Diana Wyatt (D)

Staff Present: John MacMaster, Leg. Council Staff Attorney
Jeanne Domme, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

EXECUTIVE ACTION ON HB #114

Motion: REP. BROWN MOVED HB 114 DO PASS.

Motion/Vote: REP. BROWN moved to amend HB 114 with the
amendments proposed by the Mental Health Division from the
Department of Institutions. Motion carried.

Motion: REP. BROWN MOVED HB 114 DO PASS AS AMENDED.

Discussion:

REP. CLARK stated he would like to put an amendment on the notification of the jail officials to include local neighborhood watch captains or similar organizations when an escape has been made. At that time, it would be the watch captains responsibility to notify all the people in the neighborhood.

Motion: REP. BROWN made a substitute motion to amend HB 114 as suggested by REP. CLARK.

Discussion:

REP. BROOKE stated she had a problem with the amendment because the neighborhood watch program is a volunteer program and do not have an absolute structure that can be seen. I am voting against the amendment.

CHAIRMAN STRIZICH asked for approval of the committee if the Sheriff's in the committee room would like to respond to these amendments.

Bill Fliener, stated he felt the concept of the neighborhood watch program in such a situation, would be very useful to a law enforcement agency. It will be a great help but he still had concerns.

REP. NELSON asked Mr. Fliener if they are unable to notify the block captain with out authorization of the law? Mr. Fliener said no, but this would given the law enforcement encouragement to get these kinds of organizations together in the community.

REP. BROWN asked REP. CLARK if he wants this just to apply to escape not if they have just been released? REP. CLARK said yes that is correct.

John MacMaster asked REP. CLARK which county is the one you want notified. The county in which the person was confined or the one in which he was released? REP. CLARK said his intent is the jail or facility the escape is from and only the neighborhood watch program in that area.

John MacMaster stated with the Department of Institution amendments, it adds notification to the sheriff or other law enforcement officials in the town which the jail, prison, or mental health facility is located. I would add to that, the law enforcement official notified, shall notify any neighborhood watch programs operating within the officials jurisdiction.

REP. BOHARSKI stated he did not want the amendment to say "other law enforcement office", which was in the Department of Institutions Amendments.

REP. BROWN stated the difficulty with not having that phrase in

the amendment is if the sheriff were on vacation and the under sheriff in charge that week, it might make it a little difficult if the statute said just sheriff.

REP. NELSON do we want to sound an alarm regarding people who are just released and not escapees?

REP. BROWN stated in a case of people with a violent nature, they are a threat to people even if they are just being released. I think it is probably okay to leave this in the bill.

REP. RICE stated the bill is putting a mandatory requirement on the law enforcement agencies by stating they "shall" notify neighborhood watch captains. Maybe we should put "may" in place of "shall".

REP. CLARK stated that would be acceptable to him.

Motion: REP. CLARK moved to amend his amendment to include the word "may" in place of "shall".

Discussion:

REP. MEASURE stated he felt there were serious problems notifying citizens groups that someone accused of crimes has been released. We could be setting some people up for some serious law suits concerning invasion of privacy.

REP. CLARK stated that his amendment only involves escapes.

REP. MEASURE asked REP. BROWN who is going to make the determination that the individual has a violent background? REP. BROWN said the law enforcement agencies would make that determination.

Vote: Motion carried 14 to 6 with Rep's: Wyatt, Brooke, Russell, Measure, Nelson and Darko voting no.

Motion/Vote: REP. BROWN MOVED HB 114 DO PASS AS AMENDED. Motion carried 19 to 1 with Rep. Measure voting no.

HEARING ON #70
STATE JAIL STANDARDS

Presentation and Opening Statement by Sponsor:

REP. STRIZICH, HOUSE DISTRICT 41, stated this bill is being done on behalf of a number of groups. Under the guise of HB #202, this bill was presented during the last session of the legislature and did pass second reading of the house, but died in the Appropriations Committee. This bill came out of some collaborative work of the Montana Board of Crime Control, The

Montana Sheriff's and Peace Officers Association, and the National Institute of Corrections. HB #70 would create a commission and promulgate standards in three primary areas. Design, maintenance, and operations. The design codes do not replace the building codes standards. We want to bring local jails up to decent standards.

Proponents' Testimony:

Ed Hall, Montana Board of Crime Control, stated they fully support this proposed legislation. There are no national standards or inspections for jails. Most of our jails are old and substandard. It is important that we bring those jails up to some level of safety and security. Our concerns are in regards to the three major areas Rep. Strizich mentioned. Operation standards are the bulk of all the standards. Standards are evolutionary, they change very rapidly. We have much more expertise in this area. Design is a word that architects and designers consider their own. Our architect program will be setting these design standards.

Richard Miller, Montana State Librarian, gave written testimony in favor of HB #70. EXHIBIT 1

Scott Crichton, Director - ACLU, stated he has toured county jails over the years and this legislation is very much needed. It is important that we provide the resources to implement new jail standards and to give people the added staff to do a good job.

Mike Schafer, Montana Sheriffs and Peace Officers Association, gave written testimony in favor of HB #70. EXHIBIT 2

Mitzi A. Schwab, Chief, Food and Consumer Safety Bureau, gave written testimony in favor of HB #70. EXHIBIT 3

Rex Manual, Montana Board of Crime Control, stated he strongly supports HB #70.

Dave Anderson, Jefferson County Commissioner, stated he is in support of HB #70. Since 1972 I have been involved in jail suicides and jail assaults. Jail standards and safety measures are greatly needed and will be a great help to the law enforcement agencies.

Jim Kimball, Public Safety Division, stated they have worked with the sponsors of the bill and have no problem with it. We are simply here to answer any questions that arise.

Lt. J. Michael O'Hara, Montana Sheriffs and Peace Officers Association, gave written testimony in favor of HB #70. EXHIBIT 4

Opponents' Testimony:

Joanne Chance, Montana Technical Council, stated she is speaking against HB #70 as it is currently written. Not because it is not a worthy idea, but because of the use of the terminology "design". We propose an amendment to clarify that it is not the intent of this bill to establish a second set of design or building codes, which could complicate and weaken the current system that the legislature has always supported. We would support the bill if the amendments we propose are adopted.
EXHIBIT 5

Questions From Committee Members:

REP. BROWN asked REP. STRIZICH is he was comfortable with the clarity of the statement of intent of this bill? REP. STRIZICH said because of the legislative history of this bill, he is comfortable with the statement of intent.

REP. JOHNSON asked REP. STRIZICH if he was agreeable to the amendments given by the Montana Technical Council? REP. STRIZICH said the amendments are contrary to the intent of the bill would expect to work those in. The way in which jails are planned and built is a long process. The first thing to do is set down some program standards and then are given to an architect who then works on the design based on those design standards.

Closing by Sponsor: none

HEARING ON HB #71REQ. COURTS TO ORDER FIN. ABLE INMATES TO PAY INCARCERATION COSTSPresentation and Opening Statement by Sponsor:

REP. STRIZICH, HOUSE DISTRICT 41, stated this bill is presented as part of the package of bills from the Interim Subcommittee. This bill enhances current law to require individuals sentence to incarceration in local jails, that have the ability to pay, to pay for the cost of their incarceration. These costs are necessary only because of the behavior of the individuals who become clients in our jails. There is a direct relationship between this behavior and need for jail.

Proponents' Testimony:

Mike Schafer, Sheriff Yellowstone County, stated obviously anytime there is a bill in support of improving our jails we will support it. It costs alot of money to support jails. Anytime we can support a program for additional funding of our jails, we will fully support it.

Lt. Mike O'Hara, Montana Sheriffs and Peace Officers Association, gave written testimony in favor of HB #71. EXHIBIT 6

Opponents' Testimony: none

Questions From Committee Members:

REP. TOOLE asked REP. STRIZICH if there was any thought given to planning a method of calculation how a person is going to pay their fine? REP. STRIZICH said most jails operating today are able to give you exact cost per day. The cost per day is different from jail to jail. REP. TOOLE asked if there is a range set across Montana? REP. STRIZICH said he thought the range was from \$18 to as high as \$70.

REP. CLARK asked REP. STRIZICH if was there any discussion about repayment in addition to jail cost for any damage they may have caused? REP. STRIZICH said damages that occur in a jail are channeled to the area in which restitution will be made.

REP. BROWN asked REP. STRIZICH can you give the committee any example of the use of the statute saying the court may do this. REP. STRIZICH said the Interim study found it is done very infrequently.

REP. BROWN stated that it seems if the state poses this as public policy then it should be picked up by everyones tab and not the individual responsibility of counties. Can you respond to that and was there any discussion about it in the committee group? REP. STRIZICH said they had a lengthy discussion and they arrived at the point they felt in this case the public policy consideration is to assume these behaviors are causing a need for jails.

REP. WHALEN asked REP. STRIZICH how does this bill mesh with the other laws that address similar situations? REP. STRIZICH said they are separate situations and one wouldn't cause the other a problem. He would assume the judge will have the common sense to separate the two.

REP. MEASURE stated to REP. STRIZICH that there doesn't seem to be much structure for implementing these fines. Very few people would be able to pay this fine. This would only effect people with a high income. Do you see the county putting a lien against the homes of people who aren't able to pay? REP. STRIZICH said we need to assume the judges will use their discretion in these matters. To answer your question, yes, it could possibly happen if the judge so chose to put a lien against the person's home.

Closing by Sponsor:

REP. STRIZICH, stated he wants to remind the committee this bill fits together with a lot of things and a lot of different aspects of the package that include get out of jail free cards.

HEARING ON HB #72
EXPEDITE CRIMINAL PROSECUTION

Presentation and Opening Statement by Sponsor:

REP. J. RICE, HOUSE DISTRICT 43, stated this bill provides speedy resolution of misdemeanor criminal cases attempting to move cases through the system more quickly by limiting the time the defendant charged with a misdemeanor can be held in the jail. Overcrowding is a problem for most every jail in the state. The purpose of this bill is to address, in part, the problem of overcrowding and it address those categories that are not felonies. Those people being held in jail pending trial. I have requested some amendments and will go over them with the committee. EXHIBIT 7

Proponents' Testimony:

Mike O'Hara, Assistant Administrator, missoula County Detention Center, gave written testimony in favor of HB #72. EXHIBIT 8

Mike Schafer, Yellowstone, stated they support this bill because they support any legislation that will help speed up the system and limit the number of people held in jails at one time. Overcrowding is an important issue and this bill should help solve the situation.

Opponents' Testimony: none

Questions From Committee Members:

REP. MEASURE asked REP. RICE who does the bill contemplate? Would it be the release person or supervisor? REP. RICE said he doesn't think the bill contemplates any particular organization at this time. We are leaving it to the discretion of the judge and release people to see if their are organizations who could assist in being responsible.

Closing by Sponsor: none

EXECUTIVE ACTION ON HB #24

Motion: REP. BROWN MOVED HB 24 DO PASS.

Discussion:

REP. BROWN stated in the bill, as it was written and introduced, the language that everybody questioned that was inserted throughout the bill, "this section does not prevent the non-arbitrary consideration in adopting proceedings of relevant information concerning the type as listed in the sub-section" or whichever area it happens to be. What the language says is that whether you are the state or a private agency, you can deviate from the Montana Discrimination Statutes, but you can't do it in

arbitrary fashion. That applies equally to the private adoption agencies. It doesn't go far enough for the private adoption agencies. The amendments that the private adoptions agencies came up with is saying essentially, that none of the discrimination statutes apply to them. They say, we are a private adoption agency, whatever our policies and guidelines are, is the law as far as we are concerned and the amendment takes them out of any control by the state in terms of adoption as far as discrimination goes. If you adopt their amendment, you protect their ability to run their agency any way they see fit. I also have an amendment that I am going to offer to the existing bill, I am going to oppose the private adoption agency amendments. I believe that we do not want to encourage discrimination anymore than necessary. In this area, they have a need for some necessary discrimination. I believe that area in the first amendment regard, is religion and not any place else. I intend to offer language, after each section where the underlined language appears in the original bill, that says "consideration of religious factors by a licensed child placing agency that is affiliated with a particular faith is not arbitrary consideration of religion, but in the meaning of this subsection". It specifically exempts religion as a factor, protects the private adoption agencies that are religiously affiliated, and allows them to be able to discriminate within their religion.

Motion/Vote: REP. BROWN moved to amend HB 24. (Refer to **Standing Committee Report**) Motion carried 18 to 2 with Rep's: Boharski and Messmore voting no.

Discussion:

REP. TOOLE stated the State not be allowed discrimination in any manner and maybe we could amend Rep. Brown's amendment to include this.

Motion: REP. BROWN MOVED HB 24 DO PASS AS AMENDED.

Discussion:

REP. BROWN stated his amendment is only as it relates to private adoption agencies having the ability to use religion in a discriminatory fashion. With the committees agreement, that amendment did include addition of whatever words John MacMasters thinks is necessary just to limit that to foresee to the state.

John MacMaster stated in page 2, line 17, after (c) "if the department or a licensed child-placing agency that is not affiliated with a particular religious faith is the child-placing agency."

REP. WHALEN asked if we need to add anything to the amendment we have already adopted? If we start fooling around with it we may make it less clear.

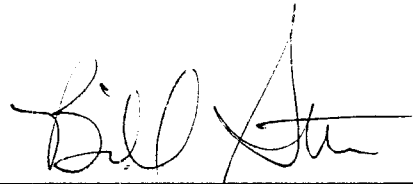
REP. LEE asked if we are going to do an amendment on removing age restrictions? REP. BROWN stated with the adoption of his amendment, age is governed under the non-arbitrary rule.

Motion/Vote: REP. BROWN moved HB 24 be amended. (Refer to Standing Committee Report) Motion carried.

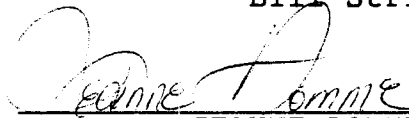
Motion/Vote: REP. BROWN MOVED HB 24 DO PASS AS AMENDED. Motion carried.

ADJOURNMENT

Adjournment: 11:10 a.m.



Bill Strizich, Chair



JEANNE DOMME, Secretary

BS/jmd

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE

Jan. 17, 1991

NAME

PRESENT

ABSENT

EXCUSED

REP. VIVIAN BROOKE, VICE-CHAIR	/		
REP. ARLENE BECKER	/		
REP. WILLIAM BOHARSKI	/		
REP. DAVE BROWN	/		
REP. ROBERT CLARK	/		
REP. PAULA DARKO	/		
REP. BUDD GOULD	/		
REP. ROYAL JOHNSON	/	<i>sk</i>	
REP. VERNON KELLER	/	<i>tn</i>	
REP. THOMAS LEE	/		
REP. BRUCE MEASURE	/		
REP. CHARLOTTE MESSMORE	/		
REP. LINDA NELSON	/		
REP. JIM RICE	/		
REP. ANGELA RUSSELL	/		
REP. JESSICA STICKNEY	/		
REP. HOWARD TOOLE	/		
REP. TIM WHALEN	/		
REP. DIANA WYATT	/		
REP. BILL STRIZICH, CHAIRMAN	/		

2-27-91
1-17-91
JDB

HOUSE STANDING COMMITTEE REPORT

January 17, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 114 (first reading copy -- white) do pass as amended .

Signed: _____
Bill Strizich, Chairman

And, that such amendments read:

1. Page 1, lines 16 and 17.

Strike: "institution" on line 16 through "offense" on line 17

Insert: "health facility under [Title 46, chapter 14]"

2. Page 1, line 25.

Page 2, lines 2 and 6.

Strike: "and"

Insert: "or"

3. Page 2, line 5.

Strike: "and"

4. Page 2, line 8.

Strike: "."

Insert: "; and"

5. Page 2, line 8.

Following: line 8

Insert: "(d) the sheriff or other law enforcement officials in the county in which the jail, prison, hospital, mental health facility, or other institution from which the person escaped or was released is located.

(3) A sheriff or other law enforcement officials given notice under subsection (2)(d) may give the notice to any local or neighborhood watch program or programs in the county."

2:57 PM
1-17-91
JDB

HOUSE STANDING COMMITTEE REPORT

January 17, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 24 (first reading copy -- white) do pass as amended.

Signed: _____
Bill Strizich, Chairman

And, that such amendments read:

1. Title, line 9.

Strike: "NONARBITRARY"

2. Title, line 10.

Strike: "RELEVANT"

3. Page 2, line 17.

Following: "(c)"

Insert: "if the department or a licensed child-placing agency
that is not affiliated with a particular religious faith is
the child-placing agency,"

4. Page 3, line 4.

Following: "parents."

Page 3, line 19.

Following: "(1)."

Page 5, line 22.

Following: "subsection."

Insert: "Consideration of religious factors by a licensed child-
placing agency that is affiliated with a particular
religious faith is not arbitrary consideration of religion
within the meaning of this section."

Testimony before the Judiciary Committee
Montana House of Representatives
January 17, 1991

HB 70/
EXHIBIT
DATE 1-17-91
HB 70

Mr. Chairman, Members of the Committee. For the record, my name is Richard Miller; I am Montana State Librarian.

I support House Bill 70 related to state jail standards, especially as it relates to general library services and access to legal materials for inmates. Jail standards make sense for a number of reasons, if for no other than to keep local jails and lockups up to a standard which will help ensure that they will not be faced with a constant barrage of law suits by inmates because of substandard conditions. And library services in jails -- both general and legal -- make sense for the same reason. In addition they make sense because access to reading materials can be of real benefit to the administration of these facilities because they help to "keep the lid on" by giving the inmates something constructive to do with the time on their hands. Sometimes security staff members feel that allowing access to books, magazines, and legal materials is more trouble than it is worth. But if these services are adequately and properly provided they can actually help the security situation in these facilities.

I stand ready, as State Librarian, to help develop the service standards for library services in our Montana jails and lockups. There are already national standards available from the American Library Association, and an adaptation of those standards may be a good starting point to develop Montana's standards.

Thank you, Mr. Chairman, for the opportunity to testify in support of HB 70.

Richard T. Miller

County of Yellowstone

OFFICE OF THE SHERIFF

P.O. BOX 35017
BILLINGS, MONTANA 59107-5017
(406) 256-2929

January 15, 1991



Chairman and Committee Members,

As early as 1978, the Montana Sheriffs and Peace Officers Association recognized the need to develop jail standards for the state of Montana. They requested and received a \$2,600.00 grant from the Board of Crime Control to undertake this study. It was soon determined that the task was greater than anticipated and if we were going to develop guidelines, more funding would be required. The MSPOA requested and received a \$34,995.00 grant to continue the project.

The project called for an indepth review of other state standards and procedures. A ten member committee began the legal review concept with the assistance of a specialist in jail standards. These standards have been proposed for the past two legislative sessions, but failed for various reasons.

There is a serious need for jail standards for the state of Montana in order for counties to reduce the liability issues facing every community who operates jails. The ACA standards are an excellent guideline for counties to follow. They are reasonable and were used in creating the guidelines for the Montana jail standards. The MSPOA not only pushed and supported jail standards, but we have also supported certified training for detention officers. In 1984, we obtained a \$12,000.00 grant to support and develop a certified course, which is now an administrative law.

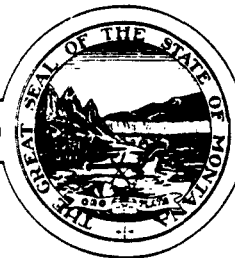
As you can see, the MSPOA has been a leader in developing standards and certification of detention officers. We respectfully ask that you support this proposal.

Respectfully,

Mike Schafer
MSPOA Board Member

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 3
DATE 1-17-91
HB 70



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TESTIMONY
on
HOUSE BILL NO. 70

A BILL FOR AN ACT ENTITLED: "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 AND EFFECTIVE DATE."

The Food and Consumer Safety Bureau of the Department of Health and Environmental Sciences (DHES) is responsible by statute and administrative rule to provide an annual health and sanitation inspection for jails and lockups.

In NEW SECTION. Section 3. Powers and duties of board -- standards -- rulemaking. subsections (1) (a) and (b) indicate that the board shall establish by rule standards which will include maintenance and operation of jails and lockups and assist with their implementation and enforcement. Subsection (2) (b) indicates facilities covered by these standards shall comply with state, local, and federal requirements relating . . . health . . . which according to the "STATEMENT OF INTENT" is not intended to conflict with or supersede existing . . . health and safety codes. . . As indicated by subsection (3) "The board may enter into agreement with other agencies or authorities to provide for joint inspections of jails and lockups."

From these provisions and discussions with the board of crime control, indications were to the DHES the board of crime control would continue to rely upon the DHES to complete annual health and sanitary inspections for jails and lockups without a duplication of respective agency personnel and services.

DHES agrees a duplication of services would not be productive. Testimony was given to the Joint Interim Subcommittee on Adult and Juvenile Detention that the DHES jail and lockup inspection program has not been funded since approximately 1980. For DHES to provide the health and sanitary inspection program for the board of crime control jail standards program, support funding for the inspection program must be provided. DHES did not receive a fiscal note for this bill. Without support funding, DHES will not be able provide health and sanitary inspection services for jails and lockups through interagency cooperation.

Respectfully submitted.

Mitzi A. Schwab, Chief
Food and Consumer Safety Bureau, DHES
Phone Extension: 2408

EXHIBIT 24
DATE 1-17-91
HB 70

52nd Legislature

House Bill No. 70

Introduced by Strizich

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS LT. MIKE O'HARA, I AM THE ASSISTANT ADMINISTRATOR FOR THE MISSOULA COUNTY DETENTION CENTER. I AM HERE REPRESENTING THE MONTANA SHERIFFS AND PEACE OFFICERS ASSOCIATION AS A MEMBER OF THE JAIL STANDARDS COMMITTEE.

AS A PROFESSIONAL IN JAIL ADMINISTRATION AND A MEMBER OF THE M.S.P.O.A I WOULD LIKE TO MAKE YOU AWARE OF MY SUPPORT OF THIS BILL AND URGE YOU TO ADOPT THIS BILL AS A POSITIVE STEP TOWARDS THE PROFESSIONALISM OF OUR LOCAL CORRECTIONAL FACILITIES.

THE MONTANA JAIL STANDARDS WERE DEVELOPED UNDER THE LEADERSHIP OF THE M.S.P.O.A. WITH FUNDING FOR THE PROJECT PROVIDED BY A GRANT FROM THE NATIONAL INSTITUTE OF CORRECTIONS.

BY ADOPTING MONTANA'S OWN JAIL STANDARDS WE PROTECT OUR RIGHT TO DESIGN, BUILD, OPERATE, AND MAINTAIN OUR LOCAL DETENTION CENTERS. WITHOUT GUIDANCE, A COURT MAY APPLY NATIONAL STANDARDS THAT SIMPLY DO NOT TAKE INTO ACCOUNT THE NEEDS OR DESIRES OF MONTANANS.

¹ QUOTING FROM THE INTRODUCTION TO THE MONTANA JAIL STANDARDS.

Ex. 4
1-17-91
HB 70

WHILE ORGANIZATIONS LIKE THE AMERICAN CORRECTIONAL ASSOCIATION HAVE DEVELOPED STANDARDS, WHICH I MIGHT ADD ARE USED AS A FOUNDATION FOR THESE STANDARDS, GREAT EFFORTS WERE MADE TO TAILOR THEM TO MONTANA'S NEEDS.

WHILE THE A.C.A. STANDARDS "...WERE MODIFIED OR RE-WORDED AS A BASIS FOR STANDARDS FOR MONTANA'S JAILS. SOME OBVIOUSLY WOULD NOT APPLY BECAUSE THEY SIMPLY HAD LITTLE RELEVANCE TO CONDITIONS PECULIAR TO MONTANA'S COUNTY JAILS...THE INTENT OF THE PROJECT WAS TO DEVELOP A SET OF REALISTIC, REASONABLY COMPREHENSIVE STANDARDS THAT WOULD PROVIDE PRACTICAL GUIDELINES PARTICULARLY RELEVANT TO THE NEEDS OF MONTANA'S JAILS. THE SIZE OF THE STATE AND OF ITS COUNTIES, THE GENERAL SPARSENESS OF ITS POPULATION, THE LIMITED FINANCIAL RESOURCES OF MANY OF ITS COUNTIES, THE EASE OR DIFFICULTY OF TRANSPORTATION WITHIN THE STATE, AND THE TYPE OF OFFENSES EXPERIENCED IN THE PAST OR REASONABLY ANTICIPATED IN THE FUTURE ALL HAD TO BE TAKEN INTO ACCOUNT. EXISTING PHYSICAL FACILITIES AND PLANNED NEW CONSTRUCTION FOR JAILS, AS WELL AS OPPORTUNITIES FOR REGIONAL OR INTER-COUNTY COOPERATIVE ACTIONS ALL HAD A BEARING ON THE WAY IN WHICH THE STANDARDS WERE PHRASED AND IN THE MANNER IN WHICH THE VARIOUS JAILS COULD MEET THEM."¹

¹ QUOTING FROM THE INTRODUCTION TO THE MONTANA JAIL STANDARDS.

EX. 4

1-17-91

HB 70

I WOULD URGE YOU TO LOOK OVER THE PROPOSED MONTANA JAIL STANDARDS, AND ADOPT THOSE STANDARDS. I WOULD ALSO SUGGEST THAT THE BOARD OF CRIME CONTROL WITH THE ASSISTANCE OF THE MONTANA SHERIFF'S ASSOCIATION BE ALLOWED TO REVIEW THE STANDARDS FOR MODIFICATIONS PRIOR TO THE ADOPTION DATE OF JULY 1, 1992. THIS PERIOD OF TIME SHOULD ALLOW BOTH OF US THE OPPORTUNITY TO MEET AND CONFER ON POSSIBLE CHANGES, AS THESE STANDARDS ARE OVER 10 YEARS OLD.

¹ QUOTING FROM THE INTRODUCTION TO THE MONTANA JAIL STANDARDS.



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442-1494

MONTANA CHAPTER AIA
AMERICAN SOCIETY OF
CIVIL ENGINEERS
BILLINGS ARCHITECTURAL
ASSOCIATION
CONSULTING ENGINEERS
COUNCIL OF MONTANA
GREAT FALLS SOCIETY
OF ARCHITECTS
AMERICAN SOCIETY OF
LANDSCAPE ARCHITECTS
ARCHITECTURAL SOCIETY
OF HELENA
MONTANA ASSOCIATION OF
REGISTERED LAND SURVEYORS
MONTANA SOCIETY
OF ENGINEERS
INSTITUTE OF ELECTRICAL
AND ELECTRONIC ENGINEERS

AIA
ASCE
BAA
CECM
GFSA
ASLA
ASH
MARLS
MSE
IEEE

EXHIBIT 5
DATE 1-17-91
HB 70

HOUSE BILL NO. 70

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

PROPOSED AMENDMENTS

delete all references to the word "design" and substitute "program standards"

include a definition of program standards defined as "specific environmental standards which must be met within the ~~prison~~ facility such as (but not limited to) square footage standards per prisoner and internal ambient temperature maximums and minimums."

change line 21 in statement of intent to read "the board shall adopt by rule minimum program standards..." rather than "minimum standards of design..."

change statement of intent, paragraph 4, lines 19 to 21 to read "It is not intended that the standards conflict with, supersede, or add to existing building codes, health and safety codes, or fire codes."

Issue

Raising the question: do you really want the State Architect involved in local approvals?



COORDINATING

COUNCIL

FOR

MONTANA

DESIGN PROFESSIONS

52nd Legislature

House Bill No. 71

Introduced by Strizich

EXHIBIT 60
DATE 1-17-91
HB 71

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS LT. MIKE O'HARA, I AM THE ASSISTANT ADMINISTRATOR FOR THE MISSOULA COUNTY DETENTION CENTER.

THIS BILL SIMPLY STATED REQUIRES FINANCIALLY ABLE INMATES TO PAY THE COSTS OF THEIR INCARCERATION.

THE COSTS OF RUNNING DETENTION CENTERS HAVE RISEN BEYOND OUR ABILITY TO KEEP UP. WITH I-105 IN EFFECT WE CANNOT RAISES TAXES TO HELP FUND OUR BULGING JAILS.

I BELIEVE THAT THE TAXPAYERS WOULD BE SURPRISED TO FIND OUT THAT WE CURRENTLY DON'T MAKE INMATES PAY FOR THEIR STAY. MOST TAXPAYERS I BELIEVE WOULD APPLAUD YOU IN YOUR EFFORTS TO KEEP TAXES DOWN BY MAKING THE RESPONSIBLE PERSONS PAY WHEN EVER POSSIBLE.

THIS IS JUST ONE OF THE NECESSARY TOOLS WE AS JAIL ADMINISTRATORS NEED TO OPERATE OUR FACILITIES. I THEREFORE URGE YOU TO PASS THIS LEGISLATION.

EXHIBIT 7
DATE 1-17-91
HB 72

Amendments to House Bill No. 72
First Reading Copy

Requested by Rep. Rice
For the Committee on the Judiciary

Prepared by John MacMaster
January 16, 1991

1. Page 1, line 18.
Page 8, lines 19 and 21.
Strike: "6"
Insert: "5"
2. Page 1, line 21.
Following: "defendant"
Insert: "charged with a misdemeanor"
3. Page 4, line 20.
Following: "custody"
Insert: "on misdemeanor charges"
4. Page 5, line 1.
Strike: "Except as provided in [section 6], a"
Insert: "A"
Following: "defendant"
Insert: "charged with a misdemeanor"
5. Page 5, line 13 through line 23 of page 6.
Strike: section 6 of the bill in its entirety
Renumber: subsequent sections

EXHIBIT 8
DATE 1-17-91
HB 72

52nd Legislature

House Bill No. 72

Introduced by J. Rice

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS LT. MIKE O'HARA, I AM THE ASSISTANT ADMINISTRATOR FOR THE MISSOULA COUNTY DETENTION CENTER.

AS IT RELATES TO THIS BILL, I MIGHT ADD THAT I AM THE RELEASE ASSISTANCE OFFICER FOR THE MISSOULA JUSTICE COURTS AND THE MISSOULA MUNICIPAL COURT. THIS POSITION IS OUTLINED IN SECTION 2 OF THIS BILL.

MISSOULA COUNTY HAS STARTED THIS PROGRAM ON A TRIAL BASIS THIS PAST WEEKEND. WHILE OUR CRITERIA IS MORE RESTRICTIVE THAN THE CURRENT LEGISLATION, I BELIEVE THAT THIS COURSE OF ACTION WILL ASSIST OVERCROWDING ON WEEKENDS WHEN THERE IS NO JUDGE AVAILABLE.

THERE ARE TIMES WHEN A MISDEMEANOR OFFENDER NEEDS TO BE LOCKED UP IN JAIL. IT HAS BEEN MY EXPERIENCE THAT THESE CASES INVOLVE THE USE OF ALCOHOL. WHAT THE PARTIES INVOLVED NEED IS TIME TO LET THE DUST SETTLE, AND TO LET THE SUSPECT SOBER UP. STREET OFFICERS NEED TO REMOVE THE SUSPECT AS REPEATED CALLS TAKE UP UNNECESSARY EXTRA TIME FOR THE PATROL OFFICER.

IN OUR PROGRAM WE ALLOW THE PATROL OFFICER THE LATITUDE TO EXEMPT THE INMATE FROM THE PROGRAM TOTALLY OR PARTIALLY.

Ex. 8
1-17-91
HB 72

IN MISSOULA, THE MISSOULA POLICE DEPARTMENT, THE MISSOULA
SHERIFFS OFFICE, THE JUSTICE OF THE PEACE, THE MUNICIPAL COURT,
THE COUNTY ADMINISTRATIVE OFFICER, AND THE JAIL ADMINISTRATION
WORKED FOR SEVERAL MONTHS ESTABLISHING THE FRAMEWORK OR CRITERIA
TO MAKE OUR RELEASE DECISION.

I STARTED THIS PROGRAM IN AN EFFORT TO REDUCE OVERCROWDING AND
TO ADVISE THIS BODY THAT SUCH A PROGRAM CAN WORK, AND WORK
WITHOUT ADDITIONAL COSTS.

THE OVERALL PURPOSE OF THIS BILL IS TO ASSIST WITH THE
OVERCROWDING ISSUE IN MONTANA.

VISITORS' REGIS

House Judiciary

3#

BILL NO.

DATE _____

SPONSOR

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.