

**MINUTES**

**MONTANA SENATE  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN BRUCE CRIPPEN**, on January 4, 1995, at 10:00 a.m.

**ROLL CALL**

**Members Present:**

Sen. Bruce D. Crippen, Chairman (R)  
Sen. Al Bishop, Vice Chairman (R)  
Sen. Larry L. Baer (R)  
Sen. Sharon Estrada (R)  
Sen. Lorents Grosfield (R)  
Sen. Ric Holden (R)  
Sen. Reiny Jabs (R)  
Sen. Sue Bartlett (D)  
Sen. Steve Doherty (D)  
Sen. Mike Halligan (D)  
Sen. Linda J. Nelson (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Valencia Lane, Legislative Council  
Judy Keintz, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 26  
Executive Action: None.

**HEARING ON SB 26**

*{Tape: 1; Side: A}*

**Opening Statement by Sponsor:**

**SENATOR EVE FRANKLIN, Senate District No. 21**, presented SB 26 on behalf of the Board of Crime Control who would like to have an improved mechanism for paying for youth detention costs. The Board receives 9.1% of the money collected for lottery tickets. A five region task force develops the formula that applies to the Board of Crime Control for use of that money for detention costs. There is an increasing number of cases of extreme hardship with youth detention costs. The Board would like to develop rules so the counties can apply money to defray extreme hardship costs.

MACO supports this measure, however, they also have an amendment which would add a third category for funding. The Board of Crime Control supports that effort, but only making it a third priority for spending.

**Proponents' Testimony:**

**Candy Wimmer, Montana Board of Crime Control**, said they reimburse counties 50 percent of their actual costs of secure detention and 75 percent of detention in a non-secure environment. There have been cases where youths have been held in detention for a long time waiting on a decision of the court on whether the youth should be transferred to adult court or not. The Board proposes in situations where counties are experiencing undue hardship, that the counties be able to apply for up to 75 percent of the costs of their secure detention.

**Dick Boutilier, Chief Probation Officer from Cascade County**, supports this bill because the youth that this bill would address would be those who are being transferred from youth court to district court, which may take up to a year. The county pays for their detention. Since they have not been convicted, they cannot be sent to a state institution.

**Gordon Morris, Director of the Association of Counties**, said MACO supports the bill by Resolution 94-31 which was approved unanimously. Also, Resolution 94-30 calls for funding telecommunications equipment. Mr. Morris proposes amending the title that includes an addition to the funding for extreme hardship cases in juvenile detention situations, to also provide for funding for purchasing teleconferencing and televideo equipment for regional detention facilities.

**Gene Kiser, Director of the Board of Crime Control**, supports the bill. They will not resist the proposed amendment as long as it is clearly understood that it would be a third priority issue after funding the regional centers in the hardship cases.

**Mike Mathew, Commissioner of Yellowstone County**, spoke in favor of the bill. He praised the Regional Detention Program wherein counties across the state have signed contracts on detention costs and shared facilities. The smaller counties which have very little or no detention facilities really need the 75 percent offset because they have no means to get the funding. The amendment is a break from the way the law now reads. There has been no money available for any kind of capital expenditures. Transportation costs, a reimbursable cost, is a large cost for youth who are being held for arraignment on other issues. Transportation costs would be reduced by having judges in eastern Montana use teleconferencing/televideo equipment. He is supporting the amendment.

**Opponents' Testimony:** None.

Questions From Committee Members and Responses:

**SENATOR MIKE HALLIGAN** asked **Candy Wimmer** if they would be funding 100 percent of the telecommunications or televideo costs. Her understanding is they would fund 50 percent of the costs.

**SENATOR HALLIGAN** also asked **Valencia Lane** if there was rulemaking authority under the Board of Crime Control to be able to adopt the criteria. **Valencia Lane** will check on the rulemaking authority of the Board regarding the amendment. **SENATOR HALLIGAN** said the intent of the legislature was to make sure everything was focused on keeping the youths local and to reduce costs.

**SENATOR LORENTS GROSFIELD** asked whether extreme hardship pertained to the county or the youth. **Ms. Wimmer** said it pertained to the county budget. **SENATOR GROSFIELD** further asked how extreme hardship would be determined. **Ms. Wimmer** said there would be a variety of ways. They could look at the last three years' expenditures of the county or a per youth basis. For instance, the youth being held in detention in excess of three or four months.

**SENATOR STEVE DOHERTY** asked for clarification on "secure detention". **Ms. Wimmer** stated secure detention is a facility which is physically secured.

**SENATOR SUE BARTLETT** asked what happens to a juvenile who is transferred to adult court. **Ms. Wimmer** stated that once a youth is transferred to adult court it's up to the judge to make a determination of where they are to be detained and they normally go back to the county of original jurisdiction. **SENATOR BARTLETT** asked how frequently funds are left over at the end of the fiscal year with the current distribution. **Ms. Wimmer** stated proceeds are down and there may be \$20,000 to \$30,000 additional money. They are capped at a million dollars. Their current budget is approximately \$800,000. **SENATOR BARTLETT** asked if the proposed extreme hardship funding would come after the secure detention and unsecured detention. **Ms. Wimmer** answered that it would.

**SENATOR LINDA NELSON** asked if a motel would qualify for a secure detention. **Ms. Wimmer** said motels were non-secure.

**SENATOR GROSFIELD** asked **Mr. Morris** about the priority in determining the needs of the county. **Mr. Morris** answered Resolution 94-31 states that extreme hardship would be the first priority and that teleconferencing and televideo would be secondary. Extended delays which cause the county to exceed their budget would be their first priority.

**SENATOR LARRY BAER** asked whether the Board of Crime Control is adequately funded for this type of grant. **Ms. Wimmer** stated the money comes from lottery proceeds. They are not asking for any additional funding. The 9.1 percent will adequately fund detention, which was the original legislation. If there is additional funding over and above, they then cover the hardship

cases and as a third priority help counties purchase televideo.

**SENATOR BRUCE CRIPPEN** asked whether **SENATOR TOM KEATING** would withdraw his bill if this amendment passed. **Mr. Morris** said it would be his intent to have **SENATOR KEATING** withdraw his bill if this amendment passed. Also, another bill draft request with **REPRESENTATIVE ROYAL JOHNSON** proposes to do the same thing as SB 26 and they would cancel that as well. **SENATOR CRIPPEN** asked if there was a cap on the funds they would use and also if there was any time that there were monies left over that were not used that would be left or whether the funds had all been used. **Mr. Morris** indicated that there is a slight residual in that account. **SENATOR CRIPPEN** expressed concern over the open-ended availability of money. **Mr. Morris** stated the money is used to fund regional juvenile facilities. The Board of Crime Control approves the budgets submitted on a regional basis. If there is money left over, they can fund other allowable programs particularly in regard to extreme hardship situations and, finally, what is being asked for here. **SENATOR CRIPPEN** asked what happens if there is not enough money for (a), (b) and (c) and there is a program started where there are operating costs, where will the money come from? **Commissioner Mathew** stated the Board of Crime Control makes the final approval on any budget expenditures. The 5 regional chairs make recommendations to the board. **SENATOR CRIPPEN** asked the Board of Crime Control if they had any concerns about the amendment. **Ms. Wimmer** stated they had no resistance to the amendment for the original equipment purchase. They would question being liable for the ongoing maintenance or operating costs.

Closing by Sponsor:

**SENATOR FRANKLIN** stated she will coordinate with **SENATOR KEATING** and **REPRESENTATIVE JOHNSON** and **Mr. Morris** to make sure there is no overlapping. **SENATOR FRANKLIN** understands that the equipment would be in the district court. **SENATOR FRANKLIN** also confirmed the third priority for telecom equipment would be for purchase and not for ongoing expenditure.

ADJOURNMENT

Adjournment: 10:50 am

A handwritten signature in cursive script, appearing to read "Bruce D. Crippen", written over a horizontal line.

SENATOR BRUCE D. CRIPPEN, Chair

A handwritten signature in cursive script, appearing to read "Judy J. Keintz", written over a horizontal line.

JUDY J. KEINTZ, Secretary

BC/jjk



DATE 1/4/95

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 26

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Check One

| Name              | Representing       | Bill No. | Support | Oppose |
|-------------------|--------------------|----------|---------|--------|
| Charles R. Brooks | Yellowstone County | SB 26    | ✓       |        |
| Gordon Morris     | MACo               | SB 26    | ✓       |        |
| Mike Mathew       | Yellowstone Co     | SB 26    | ✓       |        |
| DICK BOUTILLIER   | CASCADE Co.        | SB 26    | ✓       |        |
| GENE KISER        | MBCC               | SB 26    | ✓       |        |
| Claude Wimmer     | MBCC               | SB 26    | ✓       |        |
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## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY