

1 *House* BILL NO. 310  
 2 INTRODUCED BY *Orin*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS  
 5 16-2808 AND 16-2818, R.C.M. 1947, BY INCREASING THE PER DIEM  
 6 PAYMENT FOR HOLDING FEDERAL PRISONERS AND PRISONERS  
 7 COMMITTED BY THE HIGHWAY PATROL BUREAU, THE DEPARTMENT OF  
 8 JUSTICE, OR THE STATE OF MONTANA TO SEVEN DOLLARS AND FIFTY  
 9 CENTS."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 16-2808, R.C.M. 1947, is amended to  
 13 read as follows:

14 "16-2808. Provision and agreement for use of county  
 15 jails for federal prisoners. Provision and agreement for the  
 16 use of said jails and the support and subsistence of such  
 17 federal prisoners shall first be made by the United States  
 18 through or by the proper officer or officers, with the board  
 19 of county commissioners of the county wherein such prisoners  
 20 are to be confined, such agreement to be in writing and  
 21 contain a provision that the United States shall, upon claim  
 22 presented for the county by its county clerk and recorder,  
 23 pay into the county treasury of the county the sum of five  
 24 dollars-~~( $\$5$ )~~ seven dollars and fifty cents ( $\$7.50$ ) per day  
 25 for each and every prisoner held in the county jail upon

1 order or commitment of the United States government or any  
 2 department or officer thereof."

3 Section 2. Section 16-2818, R.C.M. 1947, is amended to  
 4 read as follows:

5 "16-2818. Sheriff to receive all persons duly  
 6 committed--payment for highway patrol prisoners--medical  
 7 expense. The sheriff must receive all persons committed to  
 8 jail by competent authority, and provide them with necessary  
 9 food, clothing and bedding, for which he shall submit claims  
 10 for the actual expenses incurred to the board of county  
 11 commissioners for their determination, and, except as  
 12 provided in the next section, to be paid out of the county  
 13 treasury. In the event said person is committed to jail by  
 14 the highway patrol bureau, department of justice, the state  
 15 of Montana shall upon claim presented for the county by the  
 16 clerk and recorder pay into the county treasury of the  
 17 county the actual expenses incurred or the sum of five  
 18 dollars-~~( $\$5$ )~~ seven dollars and fifty cents ( $\$7.50$ ) per day,  
 19 whichever is less, for each and every prisoner held in the  
 20 county jail upon order or commitment of the highway patrol  
 21 bureau or any department or officer thereof. For the  
 22 purposes of this act, a day shall be defined as a  
 23 twenty-four (24) hour period or portion thereof, beginning  
 24 with the time of incarceration. Such claims upon the highway  
 25 patrol bureau, department of justice, shall be paid to the

1 various counties out of funds appropriated for that purpose.  
2 If in the opinion of the sheriff any prisoner, while  
3 detained, requires medication, medical services or  
4 hospitalization, the expense of the same shall be borne by  
5 the agency or authority at whose instance the prisoner is  
6 detained when the agency or authority is not the county  
7 wherein the prisoner is being detained. The county attorney  
8 shall initiate proceedings to collect any charges arising  
9 from such medical services or hospitalization for the  
10 prisoner involved if it is determined the prisoner is  
11 financially able to pay."

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