

HOUSE BILL NO. 693  
INTRODUCED BY BARDANOUE

IN THE HOUSE

February 9, 1979	Introduced and referred to Committee on Judiciary.
February 15, 1979	Committee recommend bill do pass. Report adopted.
February 17, 1979	Second reading, do pass as amended.
February 19, 1979	Correctly engrossed.
February 20, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 21, 1979	Introduced and referred to Committee on Local Government.
March 14, 1979	Committee recommend bill be concurred in. Report adopted.
March 15, 1979	Motion pass consideration.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE HOUSE

March 20, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
----------------	---

1 House BILL NO. 693  
2 INTRODUCED BY Balderson

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
5 ATTORNEY GENERAL TO AUDIT AND ALLOW THE PAYMENT OF EXPENSES  
6 TO SHERIFFS WHO TRANSPORT CERTAIN PRISONERS AND MENTALLY ILL  
7 PERSONS; AMENDING SECTIONS 7-32-2128 AND 7-32-2144, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 7-32-2128, MCA, is amended to read:

11 "7-32-2128. False claims by sheriff. (1) Every sheriff  
12 who falsely represents to the board of county commissioners  
13 the actual expenses of boarding prisoners, for furnishing  
14 food and supplies therefor, or for any service rendered in  
15 connection therewith or presents to said board false items  
16 in a claim or false vouchers or makes any profit whatever  
17 out of the board or keeping of prisoners in his custody and  
18 every person who gives a false item or false voucher to be  
19 used by such sheriff in any claim against the county before  
20 such board is guilty of a misdemeanor.

21 (2) Every sheriff who falsely represents to the board  
22 of county commissioners or ~~department--of-administration~~  
23 attorney general his actual traveling expenses in the  
24 performance of any official duty or causes to be paid to him  
25 from the state or any county treasury a sum exceeding his

1 actual expenses in the performance of such duty is guilty of  
2 a misdemeanor."

3 Section 2. Section 7-32-2144, MCA, is amended to read:

4 "7-32-2144. Mileage and expenses of sheriff for  
5 delivery of prisoners and mentally ill persons. (1) Sheriffs  
6 delivering prisoners at the state prison or reform school or  
7 mentally ill persons at the state hospital shall receive  
8 actual expenses necessarily incurred in their  
9 transportation. The expenses shall include the expenses of  
10 the sheriff in going to and returning from such institution.  
11 They shall take vouchers for every item of expenses incurred  
12 by them in such transportation. The amount of these  
13 expenses, as shown by the vouchers when served by said  
14 sheriff, shall be audited and allowed by the ~~department--of~~  
15 administration attorney general or by the board of county  
16 commissioners, as the case may be, and paid out of the same  
17 money and in the same manner as are other expense claims  
18 against the state or counties. In determining the actual  
19 expense if travel is by a privately owned vehicle, the  
20 mileage rate shall be allowed as provided in subsection (2).  
21 No other or further compensation shall be received by  
22 sheriffs for such expenses.

23 (2) While in the discharge of his duties, both civil  
24 and criminal, the sheriff shall receive a mileage allowance  
25 as provided in 2-18-503. The sheriff shall also be

-2- **HB 693**  
INTRODUCED BILL

1 reimbursed for actual and necessarily incurred expenses for  
2 transporting, lodging, and meals of persons ordered by the  
3 court as provided in 2-18-501 through 2-19-503. The county  
4 shall not be liable for and the board of county  
5 commissioners shall not pay for any claim of the sheriff or  
6 other officer for any other expenses incurred in travel or  
7 for subsistence in cases where mileage is allowed under this  
8 section, the fees for mileage named in this section being in  
9 full for all such traveling expenses in both civil and  
10 criminal work."

-End-

1 HOUSE BILL NO. 693  
2 INTRODUCED BY BARDANOVE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
5 ATTORNEY GENERAL TO AUDIT AND ALLOW THE PAYMENT OF EXPENSES  
6 TO SHERIFFS WHO TRANSPORT CERTAIN PRISONERS AND MENTALLY ILL  
7 PERSONS; AMENDING SECTIONS 7-32-2128<sub>2</sub> AND 7-32-2144, AND  
8 ~~56-30-411~~<sub>2</sub> MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 Section 1. Section 7-32-2128, MCA, is amended to read:  
12 "7-32-2128. False claims by sheriff. (1) Every sheriff  
13 who falsely represents to the board of county commissioners  
14 the actual expenses of boarding prisoners, for furnishing  
15 food and supplies therefor, or for any service rendered in  
16 connection therewith or presents to said board false items  
17 in a claim or false vouchers or makes any profit whatever  
18 out of the board or keeping of prisoners in his custody and  
19 every person who gives a false item or false voucher to be  
20 used by such sheriff in any claim against the county before  
21 such board is guilty of a misdemeanor.  
22 (2) Every sheriff who falsely represents to the board  
23 of county commissioners or ~~department of administration~~  
24 attorney general his actual traveling expenses in the  
25 performance of any official duty or causes to be paid to his

1 from the state or any county treasury a sum exceeding his  
2 actual expenses in the performance of such duty is guilty of  
3 a misdemeanor."

4 Section 2. Section 7-32-2144, MCA, is amended to read:  
5 "7-32-2144. Mileage and expenses of sheriff for  
6 delivery of prisoners and mentally ill persons. (1) Sheriffs  
7 delivering prisoners at the state prison or reform school or  
8 mentally ill persons at the state hospital shall receive  
9 actual expenses necessarily incurred in their  
10 transportation. The expenses shall include the expenses of  
11 the sheriff in going to and returning from such institution.  
12 They shall take vouchers for every item of expenses incurred  
13 by them in such transportation. The amount of these  
14 expenses, as shown by the vouchers when served by said  
15 sheriff, shall be audited and allowed by the ~~department of~~  
16 administration attorney general or by the board of county  
17 commissioners, as the case may be, and paid out of the same  
18 money and in the same manner as are other expense claims  
19 against the state or counties. In determining the actual  
20 expense if travel is by a privately owned vehicle, the  
21 mileage rate shall be allowed as provided in subsection (2).  
22 No other or further compensation shall be received by  
23 sheriffs for such expenses.

24 (2) While in the discharge of his duties, both civil  
25 and criminal, the sheriff shall receive a mileage allowance

1 as provided in 2-18-503. The sheriff shall also be  
 2 reimbursed for actual and necessarily incurred expenses for  
 3 transporting, lodging, and meals of persons ordered by the  
 4 court as provided in 2-18-501 through 2-18-503. The county  
 5 shall not be liable for and the board of county  
 6 commissioners shall not pay for any claim of the sheriff or  
 7 other officer for any other expenses incurred in travel or  
 8 for subsistence in cases where mileage is allowed under this  
 9 section, the fees for mileage named in this section being in  
 10 full for all such traveling expenses in both civil and  
 11 criminal work."

12 SECTION 3. SECTION 46-30-411, MCA, IS AMENDED TO READ:

13 "46-30-411. Expenses of bringing fugitives back to  
 14 this state. (1) When the governor of this state, in the  
 15 exercise of the authority conferred by section 2, Article  
 16 IV, of the constitution of the United States or by the laws  
 17 of this state, demands from the executive authority of any  
 18 state of the United States or of any foreign government the  
 19 surrender to the authorities of this state of a fugitive  
 20 from justice who has been found and arrested in such state  
 21 or foreign government, the accounts of the person employed  
 22 by him to bring back such fugitive must be audited by the  
 23 ~~department-of-administration~~ attorney general and paid out  
 24 of the state treasury.

25 (2) An agent of this state authorized to return a

1 fugitive from justice to this state may utilize commercial  
 2 transportation, aircraft, or motor vehicle to return the  
 3 fugitive. The agent shall be paid travel expenses, as  
 4 provided for in 2-18-501 through 2-18-503, as amended,  
 5 incurred in returning the fugitive to this state."

-End-

## HOUSE BILL NO. 693

INTRODUCED BY BARDANOUVE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE ATTORNEY GENERAL TO AUDIT AND ALLOW THE PAYMENT OF EXPENSES TO SHERIFFS WHO TRANSPORT CERTAIN PRISONERS AND MENTALLY ILL PERSONS; AMENDING SECTIONS 7-32-2128, AND 7-32-2144, AND ~~46-30-411~~ MCA."

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

Section 1. Section 7-32-2128, MCA, is amended to read:

"7-32-2128. False claims by sheriff. (1) Every sheriff who falsely represents to the board of county commissioners the actual expenses of boarding prisoners, for furnishing food and supplies therefor, or for any service rendered in connection therewith or presents to said board false items in a claim or false vouchers or makes any profit whatever out of the board or keeping of prisoners in his custody and every person who gives a false item or false voucher to be used by such sheriff in any claim against the county before such board is guilty of a misdemeanor.

(2) Every sheriff who falsely represents to the board of county commissioners or department--of--administration ~~attorney general~~ his actual traveling expenses in the performance of any official duty or causes to be paid to him

from the state or any county treasury a sum exceeding his actual expenses in the performance of such duty is guilty of a misdemeanor."

Section 2. Section 7-32-2144, MCA, is amended to read:

"7-32-2144. Mileage and expenses of sheriff for delivery of prisoners and mentally ill persons. (1) Sheriffs delivering prisoners at the state prison or reform school or mentally ill persons at the state hospital shall receive actual expenses necessarily incurred in their transportation. The expenses shall include the expenses of the sheriff in going to and returning from such institution. They shall take vouchers for every item of expenses incurred by them in such transportation. The amount of these expenses, as shown by the vouchers when served by said sheriff, shall be audited and allowed by the department-of administration ~~attorney general~~ or by the board of county commissioners, as the case may be, and paid out of the same money and in the same manner as are other expense claims against the state or counties. In determining the actual expense if travel is by a privately owned vehicle, the mileage rate shall be allowed as provided in subsection (2). No other or further compensation shall be received by sheriffs for such expenses.

(2) While in the discharge of his duties, both civil and criminal, the sheriff shall receive a mileage allowance

1 as provided in 2-18-503. The sheriff shall also be  
 2 reimbursed for actual and necessarily incurred expenses for  
 3 transporting, lodging, and meals of persons ordered by the  
 4 court as provided in 2-18-501 through 2-18-503. The county  
 5 shall not be liable for and the board of county  
 6 commissioners shall not pay for any claim of the sheriff or  
 7 other officer for any other expenses incurred in travel or  
 8 for subsistence in cases where mileage is allowed under this  
 9 section, the fees for mileage named in this section being in  
 10 full for all such traveling expenses in both civil and  
 11 criminal work."

12 ~~SECTION 3. SECTION 46-30-411, MCA, IS AMENDED TO READ:~~

13 "46-30-411. Expenses of bringing fugitives back to  
 14 this state. (1) When the governor of this state, in the  
 15 exercise of the authority conferred by section 2, Article  
 16 IV, of the constitution of the United States or by the laws  
 17 of this state, demands from the executive authority of any  
 18 state of the United States or of any foreign government the  
 19 surrender to the authorities of this state of a fugitive  
 20 from justice who has been found and arrested in such state  
 21 or foreign government, the accounts of the person employed  
 22 by him to bring back such fugitive must be audited by the  
 23 ~~department-of-administration~~ attorney general and paid out  
 24 of the state treasury.

25 (2) An agent of this state authorized to return a

1 fugitive from justice to this state may utilize commercial  
 2 transportation, aircraft, or motor vehicle to return the  
 3 fugitive. The agent shall be paid travel expenses, as  
 4 provided for in 2-18-501 through 2-18-503, as amended,  
 5 incurred in returning the fugitive to this state."

-End-