

CHAPTER NO. 671

HOUSE BILL NO. 760

INTRODUCED BY MEYER, McCALLUM, FABREGA, MOORE

IN THE HOUSE

February 12, 1979	Introduced and referred to Committee on Local Government.
February 13, 1979	Rereferred to Committee on Judiciary.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 20, 1979	On motion taken from second reading and referred to Committee on Appropriations.
March 24, 1979	Committee recommend bill do pass as amended. Report adopted.
March 26, 1979	Printed and placed on members' desks. Second reading, do pass.
March 27, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

March 27, 1979	Introduced and referred to Committee on Finance and Claims.
April 10, 1979	Committee recommend bill be concurred in as amended. Report adopted.
April 11, 1979	Motion pass consideration.
April 12, 1979	Second reading, concurred in.
April 13, 1979	Third reading, concurred in as amended.

IN THE HOUSE

April 16, 1979

Returned from second house.
Concurred in as amended.

April 18, 1979

Second reading.
Pass consideration.

April 19, 1979

Second reading, amendments adopted.
Third reading, amendments adopted.
Sent to enrolling.
Reported correctly enrolled.

1 *House* BILL NO. 760
 2 INTRODUCED BY *Meyer* *McCallister* *Fitzgerald*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE FEE FOR
 5 HOUSING FEDERAL AND STATE PRISONERS IN COUNTY JAILS;
 6 AMENDING SECTIONS 7-32-2206 AND 7-32-2209, MCA."
 7

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

9 Section 1. Section 7-32-2206, MCA, is amended to read:
 10 "7-32-2206. Confinement of federal prisoners. (1) The
 11 sheriff must receive and keep in the county jail any
 12 prisoner committed thereto by process or order issued under
 13 the authority of the United States until he is discharged
 14 according to law, as if he had been committed under process
 15 issued under the authority of this state.

16 (2) Provision and agreement for the use of said jails
 17 and the support and subsistence of such federal prisoners
 18 shall first be made by the United States, through or by the
 19 proper officer or officers, with the board of county
 20 commissioners of the county wherein such prisoners are to be
 21 confined. Such agreement shall be in writing and contain a
 22 provision that the United States shall, upon claim presented
 23 for the county by its county clerk and recorder, pay into
 24 the county treasury of the county the ~~sum-of-\$5-per-day~~
 25 actual and necessary expenses incurred for each and every

1 prisoner held in the county jail upon order or commitment of
 2 the United States government or any department or officer
 3 thereof.

4 (3) A sheriff to whose custody a prisoner is committed
 5 as provided in this section is answerable for his
 6 safekeeping in the courts of the United States, according to
 7 the laws thereof."

8 Section 2. Section 7-32-2209, MCA, is amended to read:

9 "7-32-2209. Expenses of persons committed to jail by
 10 highway patrol bureau. In the event a person is committed to
 11 jail by the highway patrol bureau, department of justice,
 12 the state of Montana shall, upon claim presented for the
 13 county by the clerk and recorder, pay into the county
 14 treasury of the county the actual and necessary expenses
 15 ~~incurred or the sum of \$5 per day, whichever is less~~ for
 16 each and every prisoner held in the county jail upon order
 17 or commitment of the highway patrol bureau or any department
 18 or officer thereof. For the purposes of this section, a day
 19 shall be defined as a 24-hour period or portion thereof,
 20 beginning with the time of incarceration. Such claims upon
 21 the highway patrol bureau, department of justice, shall be
 22 paid to the various counties out of funds appropriated for
 23 that purpose."

24 NEW SECTION. Section 3. Expenses of persons committed
 25 to jail by district court. (1) The state shall pay into the

1 county treasury the actual and necessary expenses incurred
2 for each prisoner held in the county jail upon the order or
3 commitment of the district court on behalf of the state.

4 (2) The county clerk and recorder shall submit a claim
5 for such expenses to the state which shall be paid out of
6 funds appropriated to the state prison account of the
7 department of institutions.

-End-

STATE OF MONTANA

Request No. 413-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 22, 1979, there is hereby submitted a Fiscal Note for House Bill 760 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 760 is an act to revise the fee for housing federal and state prisoners in county jails.

ASSUMPTIONS:

1. The actual and necessary expense to maintain a prisoner in county jail is \$15 per day.
2.
 - a. The district courts will order 20 inmates returned to county jails for an average of 3 weeks each, or a total of 420 days.
 - b. New commitments to county jails by district courts will total 308 for 4 days each, or 1,232 days.
 - c. Parole revocations will total 297 per year and will account for 3,564 days.
 - d. Total days per the above is 5,216. At a cost of \$15 per day per inmate, the total cost to the State Prison is \$78,240 per year.
3. Highway Patrol prisoner days are 5,000 per year.

FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Additional cost of proposed legislation:		
Department of Justice		
Expenditures under current law	\$ 25,000	\$ 25,000
Expenditures under proposed law	<u>75,000</u>	<u>75,000</u>
Additional cost to Department of Justice	<u>50,000</u>	<u>50,000</u>
Department of Institutions - State Prison		
Expenditures under current law	0	0
Expenditures under proposed law	<u>78,240</u>	<u>78,240</u>
Additional cost to Department of Institutions	<u>78,240</u>	<u>78,240</u>
Total additional cost of proposed legislation	<u>\$128,240</u>	<u>\$128,240</u>

The additional cost must be funded from the State General Fund.

LOCAL IMPACT:

Local revenues will increase in the amount that state expenditures increase.

Richard A. Tracy
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 2/28/79

Approved by Comm.
on Appropriations

HOUSE BILL NO. 760

INTRODUCED BY MEYER, McCALLUM, FABREGA, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE FEE FOR HOUSING FEDERAL AND STATE PRISONERS IN COUNTY JAILS; AMENDING SECTIONS 7-32-2206 AND 7-32-2209, MCA."

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

Section 1. Section 7-32-2206, MCA, is amended to read: "7-32-2206. Confinement of federal prisoners. (1) The sheriff must receive and keep in the county jail any prisoner committed thereto by process or order issued under the authority of the United States until he is discharged according to law, as if he had been committed under process issued under the authority of this state.

(2) Provision and agreement for the use of said jails and the support and subsistence of such federal prisoners shall first be made by the United States, through or by the proper officer or officers, with the board of county commissioners of the county wherein such prisoners are to be confined. Such agreement shall be in writing and contain a provision that the United States shall, upon claim presented for the county by its county clerk and recorder, pay into the county treasury of the county the sum-of-\$5-per-day ~~actual-and-necessary-expenses-incurred~~ SUM_OF_\$10_PER_DAY

for each and every prisoner held in the county jail upon order or commitment of the United States government or any department or officer thereof.

(3) A sheriff to whose custody a prisoner is committed as provided in this section is answerable for his safekeeping in the courts of the United States, according to the laws thereof."

Section 2. Section 7-32-2209, MCA, is amended to read: "7-32-2209. Expenses of persons committed to jail by highway patrol bureau. In the event a person is committed to jail by the highway patrol bureau, department of justice, the state of Montana shall, upon claim presented for the county by the clerk and recorder, pay into the county treasury of the county the ~~actual and-necessary~~ expenses ~~incurred~~ SUM_OF_\$10_PER_DAY ~~or--the-sum-of-\$5-per-day~~ ~~whichever-is-less~~ for each and every prisoner held in the county jail upon order or commitment of the highway patrol bureau or any department or officer thereof. For the purposes of this section, a day shall be defined as a 24-hour period or portion thereof, beginning with the time of incarceration. Such claims upon the highway patrol bureau, department of justice, shall be paid to the various counties out of funds appropriated for that purpose."

NEW SECTION. Section 3. Expenses of persons committed to jail by district court. (1) The state shall pay into the

1 county treasury the actual and necessary expenses incurred
2 for each prisoner held in the county jail upon the order or
3 commitment of the district court on behalf of the state.

4 (2) The county clerk and recorder shall submit a claim
5 for such expenses to the state which shall be paid out of
6 funds appropriated to the state prison account of the
7 department of institutions.

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15 issued under the authority of this state.

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17 and the support and subsistence of such federal prisoners
18 shall first be made by the United States, through or by the
19 proper officer or officers, with the board of county
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21 confined. Such agreement shall be in writing and contain a
22 provision that the United States shall, upon claim presented
23 for the county by its county clerk and recorder, pay into
24 the county treasury of the county the ~~sum-of-\$5-per-day~~
25 ~~actual-and-necessary-expenses-incurred~~ SUM OF \$10 PER DAY

1 for each and every prisoner held in the county jail upon
2 order or commitment of the United States government or any
3 department or officer thereof.

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5 as provided in this section is answerable for his
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10 highway patrol bureau. In the event a person is committed to
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13 county by the clerk and recorder, pay into the county
14 treasury of the county the ~~actual and-necessary~~ expenses
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17 county jail upon order or commitment of the highway patrol
18 bureau or any department or officer thereof. For the
19 purposes of this section, a day shall be defined as a
20 24-hour period or portion thereof, beginning with the time
21 of incarceration. Such claims upon the highway patrol
22 bureau, department of justice, shall be paid to the various
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(2) Provision and agreement for the use of said jails and the support and subsistence of such federal prisoners shall first be made by the United States, through or by the proper officer or officers, with the board of county commissioners of the county wherein such prisoners are to be confined. Such agreement shall be in writing and contain a provision that the United States shall, upon claim presented for the county by its county clerk and recorder, pay into the county treasury of the county the sum-of-\$5-per-day actual-and-necessary-expenses-incurred SUM OF \$10 PER DAY

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Section 2. Section 7-32-2209, MCA, is amended to read:

"7-32-2209. Expenses of persons committed to jail by highway patrol bureau. In the event a person is committed to jail by the highway patrol bureau, department of justice, the state of Montana shall, upon claim presented for the county by the clerk and recorder, pay into the county treasury of the county the actual and-necessary expenses incurred SUM OF \$10 PER DAY or--the-sum-of-\$5-per-day, whichever-is-less, for each and every prisoner held in the county jail upon order or commitment of the highway patrol bureau or any department or officer thereof. For the purposes of this section, a day shall be defined as a 24-hour period or portion thereof, beginning with the time of incarceration. Such claims upon the highway patrol bureau, department of justice, shall be paid to the various counties out of funds appropriated for that purpose."

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1 ~~county treasury the actual and necessary expenses incurred~~
2 ~~for each prisoner held in the county jail upon the order or~~
3 ~~commitment of the district court on behalf of the state~~
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5 ~~for such expenses to the state which shall be paid out of~~
6 ~~funds appropriated to the state prison account of the~~
7 ~~department of institutions~~

~~-End-~~

April 10, 1979

SENATE STANDING COMMITTEE REPORT
(Finance and Claims)

That House Bill No. 760, third reading bill, be amended as follows:

1. Page 2, line 24 through page 3, line 7.
Strike: section 3 in it's entirety

April 10, 1979

SENATE STANDING COMMITTEE REPORT
(Finance and Claims)

That House Bill No. 760, third reading bill, be amended as follows:

1. Page 1, line 23.

Strike: 6,545,000

Insert: 7,297,672

2. Page 1, line 25.

Following: line 25

Insert (numbers in general fund column):

"Board of Examiners 12,000

The appropriation is to pay the agreed settlement with Seymour Storch dated October 26, 1978."

3. Page 1, line 25.

Following: line 25

Insert: (numbers in general fund column):

"Department of Community Affairs 122,014

The appropriation is to reimburse the department of highways \$61,230 and the department of fish and game \$61,774 to implement the airplane pool."

April 10, 1979

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(Finance and Claims)

That House Bill No. 760, third reading bill, be amended as follows:

1. Page 2, line 24 through page 3, line 7.

Strike: section 3 in it's entirety