

HOUSE BILL 798

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on Judiciary.
February 20, 1979	Intent statement attached.
February 20, 1979	Committee recommend bill, do not pass.
February 21, 1979	Report adopted.

1 House BILL NO. 798  
 2 INTRODUCED BY Metcalf  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTY JAILS  
 5 TO BE INSPECTED FOR THE PURPOSE OF DETERMINING WHETHER THEY  
 6 ARE APPROPRIATE FACILITIES FOR THE DETENTION OF JUVENILES;  
 7 MANDATING THE DEVELOPMENT OF STANDARDS FOR JAILS THAT DETAIN  
 8 JUVENILES; AND GRANTING RULEMAKING AUTHORITY."  
 9

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

11 Section 1. Juvenile detention -- inspection of county  
 12 jails -- violation of standards. (1) The department of  
 13 institutions shall annually inspect all county jails that  
 14 are or may be used for juvenile detention to determine if  
 15 they are appropriate facilities for holding juveniles and if  
 16 they comply with the provisions of 41-5-306.

17 (2) The department of institutions shall establish  
 18 minimum standards for county jails in which juveniles may be  
 19 detained through rulemaking in accordance with the  
 20 Administrative Procedure Act.

21 (3) If the department of institutions finds a county  
 22 jail in violation of a standard, it shall notify the county  
 23 governing body within 30 days of the inspection regarding  
 24 the violation and what is necessary to correct any  
 25 deficiency. The county will have 90 days from the date of

1 notification of any violation to correct any deficiency. At  
 2 the end of 90 days or earlier if requested by the county,  
 3 the department of institutions shall make a second  
 4 inspection of the jail. If the jail is still in violation of  
 5 any standard, the department of institutions may issue an  
 6 order prohibiting the detention of juveniles in the  
 7 facility. The order becomes effective 30 days after the  
 8 county is notified of the continuing deficiencies.  
 9 Deficiencies found in the second inspection that were not  
 10 found in the first inspection may not be used as a basis for  
 11 prohibiting the use of the facility for detention of  
 12 juveniles. During the period of time after the second  
 13 notification of violation and before the effective date of  
 14 the order for closure, the county may appeal to the district  
 15 court. The order for closure may not take effect until the  
 16 appeal, if any, is decided.

-End-

11 7 98  
 INTRODUCED BILL

## STATE OF MONTANA

REQUEST NO. 375-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received 15, 19 79, there is hereby submitted a Fiscal Note for HB 798 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:

"An act requiring county jails to be inspected for the purpose of determining whether they are appropriate facilities for the detention of juveniles; mandating the development of standards for jails that detain juveniles; and granting rulemaking authority."

## Assumptions:

1. One position at Grade 13/1 with a 5% increase in both FY 80 and 81.
2. Travel would be two trips per year to each county seat. One to inspect jail and the second to hold hearing.
3. One day would be spent inspecting each jail and one day to hold each hearing.
4. Travel in State Motor Pool car.

## Fiscal Impact:

	<u>FY 80</u>	<u>FY 81</u>
Personal Services	\$16,958	\$17,806
Operating Expenses	8,486	8,613
Equipment	<u>750</u>	<u>--</u>
Total Expenditures	<u>\$26,194</u>	<u>\$26,419</u>
Federal Funds		

## Comments:

The Board of Crime Control will fund this Program with 100% funding for both years. If it would be necessary to continue this program beyond FY 81, it would have to be funded from the General Fund.

*Carolyn Darrin for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: Feb 21, 1979