

Senate Bill 10

In The Senate

January 5, 1981	Introduced and referred to Committee on State Administration.
January 6, 1981	Fiscal note requested.
January 6, 1981	Referred to Committee on Judiciary.
January 19, 1981	Fiscal note returned.
January 19, 1981	Committee recommended bill do not pass.
January 20, 1981	On motion Senate reconsider its action taken on adverse Committee report. Motion failed.

1 SENATE BILL NO. 10
 2 INTRODUCTION BY TOWE
 3 BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS
 4 POLICY AND FACILITY NEEDS

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A CORRECTIONS
 7 BOARD OF VISITORS; AND PROVIDING CERTAIN POWERS AND DUTIES."

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

10 Section 1. Definitions. As used in [this act], the
 11 following definitions apply:

12 (1) "Board" means the corrections board of visitors
 13 created by [section 2].

14 (2) "Correctional facility" means the state prison; a
 15 residential facility for the rehabilitation of delinquent
 16 youth such as Pine Hills school in Miles City, Mountain View
 17 school in Helena, and Swan River youth forest camp; a county
 18 or city jail; or other facility used for the incarceration
 19 or custody of persons under sentence for offenses or
 20 awaiting proceedings or sentence for offenses.

21 (3) "Department" means the department of institutions
 22 provided for in Title 2, chapter 15, part 23.

23 (4) "Offense" means a crime for which a sentence of
 24 death or imprisonment or a fine is authorized.

25 Section 2. Corrections board of visitors -- composition

1 -- allocation. (1) There is a corrections board of visitors.

2 (2) The board consists of three members appointed by
 3 the governor for a term of 3 years, except that the first
 4 appointments shall be for terms of 1 year for one member, 2
 5 years for one member, and 3 years for one member.

6 (3) No one may be a member of the board who is an
 7 employee of the department of institutions. One member must
 8 have experience in law enforcement.

9 (4) A vacancy on the board shall be filled by
 10 appointment by the governor for the unexpired term.

11 (5) The board is attached to the legislative auditor
 12 for administrative purposes. The legislative auditor may
 13 employ staff for the purpose of carrying out the board's
 14 duties as set out in [section 4].

15 Section 3. Compensation -- expenses. Members of the
 16 board shall receive compensation of \$25 a day plus travel
 17 expenses, as provided for in 2-18-501 through 2-18-503, as
 18 amended, while engaged in business of the board.

19 Section 4. Power and duties of the corrections board of
 20 visitors. (1) The board is an independent board of inquiry
 21 and review to assure that the condition, custody, treatment,
 22 training, discipline, rehabilitation, and health care of
 23 persons who are detained or confined in a correctional
 24 facility are just, humane, and decent and consistent with
 25 the law and with written policy and procedure.

-2- INTRODUCED BILL
 SB/D

1 (2) The board shall establish and maintain a continuing
2 program of inspection of correctional facilities.

3 (3) The board shall at least annually visit and inspect
4 each state correctional facility and may inspect any local
5 correctional facility. The board shall inspect the physical
6 plant, including residential, recreational, dining, and
7 sanitary facilities. The board shall inquire concerning all
8 treatment, training, rehabilitation, and disciplinary
9 programs being implemented by the facility.

10 (4) The board may investigate, upon a complaint or upon
11 its own initiative, any alleged mistreatment of an inmate of
12 a correctional facility.

13 (5) The board shall report annually to the governor and
14 shall report to each session of the legislature concerning
15 the status of the correctional facilities which the board
16 has inspected during the applicable period. Such a report
17 may include an evaluation of one or more of the programs
18 being implemented by those facilities. Each such report must
19 include but is not limited to:

- 20 (a) the findings made in its inspections and inquiries;
- 21 (b) the disposition of investigated complaints;
- 22 (c) recommendations to improve the condition or
23 operation of a correctional facility;
- 24 (d) where appropriate, mention of good programs found
25 which can serve as examples for others; and

1 (e) a separate evaluation of the inmate grievance
2 procedure at each state correctional facility.

3 Section 5. Board to have access to correctional
4 facilities and records. The board and each member thereof
5 shall, for the purpose of making an inspection as provided
6 in [section 5], have access to:

7 (1) any state or local correctional facility, or any
8 part thereof, at any time and may not be required to give
9 advance notice of or to make prior arrangements before
10 conducting an inspection; and

11 (2) all of the facility's records relating to inmate
12 care and treatment. For this purpose, the compelling state
13 interest in providing an independent review of conditions at
14 the correctional facilities of the state override the
15 interests of individual privacy with regard to all
16 personally identifiable records held by the facility
17 inspected.

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