

HOUSE BILL NO. 787

Introduced: 02/14/83

Referred to Committee on Judiciary: 02/14/83

Hearing: 2/18/83

Died in Committee

1 House BILL NO. 787  
2 INTRODUCED BY Bergene McCallum  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A JAIL  
5 STANDARDS COMMISSION; DEFINING THE POWERS AND DUTIES OF THE  
6 COMMISSION; REQUIRING STANDARDS ADOPTED BY THE COMMISSION TO  
7 APPLY TO ALL COUNTY AND MUNICIPAL JAILS; REQUIRING COUNTIES  
8 AND MUNICIPALITIES TO PAY A FEE TO FUND COMMISSION  
9 ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE."  
10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 Section 1. Jail standards commission -- allocation --  
13 composition -- terms. (1) There is a jail standards  
14 commission.  
15 (2) The commission is allocated to the department of  
16 justice for administrative purposes only as prescribed in  
17 2-15-121, except that subsections (1)(b), (2), and (3)(a) do  
18 not apply.  
19 (3) The commission is composed of nine members  
20 appointed by the governor as follows:  
21 (a) five persons who are members of the Montana  
22 sheriff and peace officers association appointed from a list  
23 of 10 names submitted by the association;  
24 (b) two persons who are members of the Montana county  
25 attorneys association appointed from a list of four names

1 submitted by the association; and  
2 (c) two persons who are members of the Montana  
3 association of counties appointed from a list of four names  
4 submitted by the association.  
5 (4) Members shall serve staggered terms of 4 years. A  
6 member may serve on the commission during his appointed term  
7 as long as he remains a member of the association from which  
8 he was selected. A vacancy occurring on the commission must  
9 be filled for the unexpired term by appointment by the  
10 governor as provided in this section.  
11 Section 2. Officers of commission -- compensation. (1)  
12 The members of the jail standards commission shall elect a  
13 chairman and other necessary officers.  
14 (2) Commission members are not entitled to receive  
15 compensation while attending meetings or conducting official  
16 commission duties. However, members are entitled to be  
17 reimbursed for actual and necessary expenses as provided in  
18 2-18-501 through 2-18-503.  
19 Section 3. Meetings -- quorum. (1) The commission  
20 shall meet bimonthly and may hold additional meetings on the  
21 call of the chairman or at the request of any three  
22 commission members.  
23 (2) Five members constitute a quorum for the  
24 transaction of business.  
25 Section 4. Powers and duties of commission. The powers

1 and duties of the jail standards commission include but are  
2 not limited to:

3 (1) establishing by rule minimum standards for the  
4 care and treatment of prisoners and for the general  
5 operation of jail facilities, including minimum standards  
6 concerning:

- 7 (a) space requirements;
- 8 (b) health and sanitation facilities;
- 9 (c) nutritional requirements;
- 10 (d) exercise requirements;
- 11 (e) visitation privileges; and
- 12 (f) conduct of peace officers;

13 (2) conducting jail inspections to assist local  
14 governments in assessing their existing jail facilities in  
15 comparison with commission standards;

16 (3) hiring staff or contracting for services to assist  
17 the commission in performing its duties;

18 (4) establishing by rule and collecting a fee to be  
19 paid by a county or municipality operating a jail as  
20 provided in [section 6]; and

21 (5) reporting biennially to the legislature on  
22 commission activities.

23 Section 5. Applicability of standards. (1) Standards  
24 established by the jail standards commission as provided in  
25 [section 4] apply to any county or municipal jail operated

1 in the state.

2 (2) All fire, plumbing, electrical, and other  
3 applicable building codes or rules adopted by the state  
4 apply to county and municipal jails, except that if  
5 commission standards exceed state building codes or rules,  
6 the commission standards apply.

7 Section 6. Commission to adopt budget and establish  
8 fee -- payment by counties and municipalities. (1) The jail  
9 standards commission shall for each fiscal year adopt a  
10 budget for its operations, to be funded by fees assessed in  
11 subsection (2).

12 (2) Following adoption of the budget, the commission  
13 shall by rule establish a fee, not to exceed \$2,000 per  
14 county or municipal jail, commensurate with the estimated  
15 cost of commission operations for that fiscal year. Each  
16 county or municipality operating a jail shall pay to the  
17 commission the fee provided in this subsection for each jail  
18 operated by the county or municipality. Upon receipt of  
19 payment, the commission shall deposit the fee in an account  
20 for use by the commission.

21 (3) In compliance with 1-2-112, if the payment  
22 required in subsection (2) exceeds the funds available to a  
23 county or municipality from general fund revenue, a county  
24 or municipality may budget, levy, and collect annually a  
25 special tax on the assessable property within the county or

1 municipality that is sufficient to raise the amount of  
 2 revenue needed to meet the county's or municipality's  
 3 obligation. This tax may be in addition to the annual rate  
 4 of taxation allowed by law to be levied by the county or  
 5 municipality.

6 Section 7. Annual audit. The commission's finances  
 7 must be audited each year by a person generally recognized  
 8 as competent to conduct the audit. The commission shall pay  
 9 the cost of the audit.

10 Section 8. Appointment of initial commission -- terms.  
 11 (1) Within 30 days after the effective date of this act, the  
 12 governor shall appoint members to the commission in  
 13 compliance with section 1.

14 (2) The governor shall appoint three persons who are  
 15 members of the Montana sheriff and peace officers  
 16 association, one person who is a member of the Montana  
 17 county attorneys association, and one person who is a member  
 18 of the Montana association of counties to serve 4-year  
 19 terms. The governor shall appoint all remaining persons to  
 20 serve 2-year terms.

21 Section 9. Codification instruction. (1) Section 1 is  
 22 intended to be codified as an integral part of Title 2,  
 23 chapter 15, part 20, and the provisions of Title 2, chapter  
 24 15, apply to section 1.

25 (2) Sections 2 through 7 are intended to be codified

1 as an integral part of Title 44, chapter 4, and the  
 2 provisions of Title 44, chapter 4, apply to sections 2  
 3 through 7.

4 Section 10. Effective date. This act is effective July  
 5 1, 1983.

-End-

## STATE OF MONTANA

REQUEST NO. 429-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 787 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 787 creates a jail standards commission; defines the powers and duties of the commission; requires standards adopted by the commission to apply to all county and municipal jails; and requires counties and municipalities to pay a fee to fund commission activities.

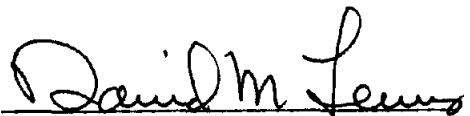
ASSUMPTIONS:

- 1) There are approximately 60 active jails which would require inspection.

FISCAL IMPACT:

	FY84	FY85	Total Biennium
Personel Services:			
Staff Person (G15-2 + 20%)	\$26,246	\$26,246	\$52,492
½ Time Staff Secretary (G9-2 + 20%)	8,129	8,129	16,288
Operating Expenses:			
Office Rent	450	450	900
Communication/postage	600	600	1,200
Printing	100	-	100
Office Equipment	1,777	-	1,777
Travel Expenses:			
Commission: 6 bimonthly meetings @ 9 persons			
Lodging: 54 over-nites per yr. @ \$40.	2,160	2,160	4,320
Per diem: 54 x \$23.50	1,269	1,269	2,538
Travel: included in vehicle gas	-	-	-
Staff:			
60 jail inspections x \$43.50	2,610	500	3,110
Vehicle:	9,314	-	9,314
Vehicle gas & maintenance	3,500	3,500	7,000
TOTAL EXPENDITURES TO GENERAL FUND	<u>\$36,155</u>	<u>\$42,854</u>	<u>\$99,009</u>

FISCAL NOTE 15: J/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-19-83