# HOUSE BILL NO. 108

# INTRODUCED BY WINSLOW

# IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Local Government.
January 11, 1985	Fiscal Note requested.
January 15, 1985	Fiscal Note returned.
January 23, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
January 25, 1985	Second reading, do pass.
	On motion, taken from engrossing and rereferred to Committee on Appropriations.
March 28, 1985	Committee recommend bill do pass as amended. Report adopted.
March 29, 1985	Bill printed and placed on members' desks.
March 30, 1985	Second reading, do pass.
	Considered correctly engrossed.
April 1, 1985	Third reading, passed.
	Transmitted to Senate.

## IN THE SENATE

April 3, 1985 Introduced and referred to Committee on Local Government. April 12, 1985 Committee recommend bill be concurred in. Report adopted. April 15, 1985 Second reading, concurred in. April 17, 1985 Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House. IN THE HOUSE April 18, 1985 Received from Senate. Sent to enrolling.

Reported correctly enrolled.

LC 0601/01

1	HOUSE BILL NO. 108
2	INTRODUCED BY WINSLOW
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE AMOUNT
5	PAID TO A COUNTY BY THE UNITED STATES OR THE STATE OF
6	MONTANA TO HOLD A PRISONER COMMITTED TO A COUNTY JAIL BY THE
7	UNITED STATES OR THE MONTANA HIGHWAY PATROL; AMENDING
8	SECTIONS 7-32-2206 AND 7-32-2209, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 7-32-2206, MCA, is amended to read:
12	"7-32-2206. Confinement of federal prisoners. (1) The
13	sheriff must receive and keep in the county jail any
14	prisoner committed thereto by process or order issued under
15	the authority of the United States until he is discharged
16	according to law, as if he had been committed under process
17	issued under the authority of this state.
18	(2) Provision and agreement for the use of said jails
19	and the support and subsistence of such federal prisoners
20	shall first be made by the United States, through or by the
21	proper officer or officers, with the board of county
22	commissioners of the county wherein such prisoners are to be
23	confined. Such agreement shall be in writing and contain a
24	provision that the United States shall, upon claim presented
25	for the county by its county clerk and recorder, pay into

tana Legislative Council

LC 0601/01

the county treasury of the county the sum of \$10 \$30 per day 1 2 or the average per diem cost of holding a prisoner in 3 confinement, whichever is less, for each and every prisoner held in the county jail upon order or commitment of the 4 United States government or any department or officer 5 6 thereof. 7 (3) A sheriff to whose custody a prisoner is committed as provided in this section is answerable for his 8 9 safekeeping in the courts of the United States, according to 10 the laws thereof." Section 2. Section 7-32-2209, MCA, is amended to read: 11 12 "7-32-2209. Expenses of persons committed to jail by highway patrol bureau. In the event a person is committed to 13 jail by the highway patrol bureau, department of justice, 14 the state of Montana shall, upon claim presented for the 15 county by the clerk and recorder, pay into the county 16 17 treasury of the county the sum of \$10 \$30 per day or the average per diem cost of holding a prisoner in confinement, 18 whichever is less, for each and every prisoner held in the 19 county jail upon order or commitment of the highway patrol 20 21 bureau or any department or officer thereof. For the 22 purposes of this section, a day shall be defined as a 24-hour period or portion thereof, beginning with the time 23 of incarceration. Such claims upon the highway patrol 24 25 bureau, department of justice, shall be paid to the various

-2- INTRODUCED BILL

#### LC 0601/01

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#### counties out of funds appropriated for that purpose." 1

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### STATE OF MONTANA

### FISCAL NOTE

REQUEST NO. FNN073-85

Form BD-15

In compliance with a written request received <u>January 11</u> Fiscal Note for <u>H.B. 108</u> 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 108 changes the amount paid to a county by the United States and the Department of Justice, Highway Patrol Division for holding a prisoner in a county jail.

# **ASSUMPTIONS:**

- 1. In FY 1984 \$49,684 was paid by the Department of Justice, Highway Patrol Division, to various counties for holding of prisoners.
- 2. Each county will bill the Department of Justice, Highway Patrol Division, the maximum allowed under the proposed legislation.
- 3. There will be no increase 'or decrease in the number of prisoner/days over the base year used; fiscal year 1984.

# LOCAL IMPACT:

Counties would realize approximately \$99,368 additional revenue from the State of Montana and an indeterminate amount from the federal government to support the costs of prisoner incarceration.

#### FISCAL IMPACT:

Amount under Current Law @ \$10 per day Board & Room \$ 49,684

Estimated

Estimated Amount under Proposed Law <u>@</u>\$30 per day \$ 149,052

Increased Cost to the <u>General Fund</u> \$ 99,368 per year

BUDGET DIRECTOR Office of Budget and Program Planning

Date:

#### 49th Legislature

HB 0108/02

#### HB 0108/02

APPROVED BY COMM. ON LOCAL GOVERNMENT

HOUSE E	BILL	NO.	108
INTRODUCE	ED BY	WIN	ISLOW

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE AMOUNT 4 PAID TO A COUNTY BY THE UNITED STATES OR THE STATE OF 5 MONTANA TO HOLD A PRISONER COMMITTED TO A COUNTY JAIL BY THE 6 UNITED STATES OR THE MONTANA HIGHWAY PATROL; AMENDING 7 SECTIONS 7-32-2206 AND 7-32-2209, MCA." 8

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(2) Provision and agreement for the use of said jails 18 and the support and subsistence of such federal prisoners 19 shall first be made by the United States, through or by the 20 proper officer or officers, with the board of county 21 commissioners of the county wherein such prisoners are to be 22 confined. Such agreement shall be in writing and contain a 23 provision that the United States shall, upon claim presented 24 for the county by its county clerk and recorder, pay into 25

->> Montana Legislative Counci

1 the county treasury of the county the sum of-\$10 \$30 per-day 2 or-the-average-per--diem--cost--of--holding--a--prisoner--in 3 confinement,-whichever-is-less, AS MAY BE AGREED TO for each and every prisoner held in the county jail upon order or 4 5 commitment of the United States government or any department 6 or officer thereof.

7 (3) A sheriff to whose custody a prisoner is committed as provided in this section is answerable for his я 9 safekeeping in the courts of the United States, according to 10 the laws thereof."

11 Section 2. Section 7-32-2209, MCA, is amended to read: 12 "7-32-2209. Expenses of persons committed to jail by 13 highway patrol bureau. In the event a person is committed to 14 jail by the highway patrol bureau, department of justice, 15 the state of Montana shall, upon claim presented for the county by the clerk and recorder, pay into the county 16 17 treasury of the county the sum of \$10 \$30 per day or the 18 average per diem cost of holding a prisoner in confinement, 19 whichever is less, for each and every prisoner held in the 20 county jail upon order or commitment of the highway patrol 21 bureau or any department or officer thereof. For the 22 purposes of this section, a day shall be defined as a 23 24-hour period or portion thereof, beginning with the time 24 of incarceration. Such claims upon the highway patrol 25 bureau, department of justice, shall be paid to the various

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HB 108 SECOND READING

1 counties out of funds appropriated for that purpose."

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#### 49th Legislature

HB 0108/03

#### RE-REFERRED AND Approved by committee on appropriations

1	HOUSE BILL NO. 108		
2	INTRODUCED BY WINSLOW		
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> -2- SECOND PRINTING HB 108 SECOND READING

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#### 49th Legislature

HB 0108/03

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HB 108

THIRD READING

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ana Legislative Council

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HB 108

REFERENCE BILL

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