

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 concurrent 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 counties out of funds appropriated for that purpose."

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN073-85

Form BD-15

In compliance with a written request received January 11 19 85, there is hereby submitted a Fiscal Note for H.B. 108 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:

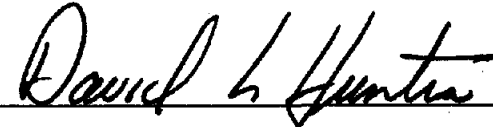
1. In FY 1984 \$49,684 was paid by the Department of Justice, Highway Patrol Division, to various counties for holding of prisoners.
2. Each county will bill the Department of Justice, Highway Patrol Division, the maximum allowed under the proposed legislation.
3. There will be no increase or decrease 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:

	Estimated Amount under Current Law @ \$10 per day	Estimated Amount under Proposed Law @ \$30 per day	Increased Cost to the General Fund \$ 99,368 per year
Board & Room	\$ 49,684	\$ 149,052	



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Jan 15, 1985

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

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A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE AMOUNT PAID TO A COUNTY BY THE UNITED STATES OR THE STATE OF MONTANA TO HOLD A PRISONER COMMITTED TO A COUNTY JAIL BY THE UNITED STATES OR THE MONTANA HIGHWAY PATROL; 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 ~~\$10~~ \$30 per-day ~~or the average per diem cost of holding a prisoner in confinement, whichever is less,~~ AS MAY BE AGREED TO 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 sum of \$10 \$30 per day or the average per diem cost of holding a prisoner in confinement, 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



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RE-REFERRED AND  
APPROVED BY COMMITTEE  
ON APPROPRIATIONS

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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  
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