

SB 178 INTRODUCED BY BECK
PAYMENT OF MEDICAL EXPENSES OF PERSON HELD IN COUNTY
JAIL

1/21 INTRODUCED
1/21 REFERRED TO FINANCE & CLAIMS
1/21 FISCAL NOTE REQUESTED
1/24 FISCAL NOTE RECEIVED
2/04 HEARING
2/16 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/18 2ND READING NOT PASSED 38 9

1 Senate BILL NO. 178
2 INTRODUCED BY Beck

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
5 RESPONSIBILITY FOR PAYMENT OF MEDICAL EXPENSES INCURRED BY
6 A PERSON INCARCERATED IN A COUNTY JAIL; AND AMENDING
7 SECTIONS 7-32-2222 AND 53-3-205, MCA."

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

10 Section 1. Section 7-32-2222, MCA, is amended to read:

11 "7-32-2222. Health and safety of prisoners. (1) When a
12 county jail or building contiguous to it is on fire and
13 there is reason to believe that the prisoners may be injured
14 or endangered, the sheriff, jail administrator, or private
15 party jailer must remove them to a safe and convenient place
16 and there confine them as long as it may be necessary to
17 avoid the danger.

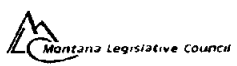
18 (2) When a pestilence or contagious disease breaks out
19 in or near a jail and the physician thereof certifies that
20 it is likely to endanger the health of the prisoners, the
21 district judge may by a written appointment designate a safe
22 and convenient place in the county or the jail in a
23 contiguous county as the place of their confinement. The
24 appointment must be filed in the office of the clerk and
25 authorize the sheriff, jail administrator, or private party

1 jailer to remove the prisoners to the designated place or
2 jail and there confine them until they can be safely
3 returned to the jail from which they were taken.

4 (3) If in the opinion of the sheriff, jail
5 administrator, or private party jailer any prisoner, while
6 detained, requires medication, medical services, or
7 hospitalization, the expense of the same shall be borne by
8 ~~the agency or authority at whose instance the prisoner is~~
9 ~~detained when the agency or authority is not the county~~
10 wherein the prisoner is being detained the prisoner if it is
11 determined that he is financially able to pay. The county
12 attorney shall initiate proceedings to collect any charges
13 arising from such medical services or hospitalization for
14 the prisoner involved if ~~it is determined~~ the prisoner is
15 financially able to pay. If the prisoner is determined
16 eligible for general relief medical assistance pursuant to
17 53-3-206, then payment must be made from funds available for
18 such assistance. If the agency or authority at whose
19 instance the prisoner is detained is not the county wherein
20 the prisoner is being detained, such agency or authority is
21 responsible for payment of the medical costs."

22 Section 2. Section 53-3-205, MCA, is amended to read:

23 "53-3-205. Eligibility for general relief. (1) A
24 person or persons constituting a household may receive
25 general relief assistance for basic necessities if the



1 household is determined to be eligible under the provisions
2 of this section and is in need of such assistance as a
3 result of their infirmity, misfortune, or indigency.

4 (2) A household is eligible for general relief if the
5 household income does not exceed that set forth in the
6 following table:

7	Number of Persons	Monthly Income Standard
8	in Household	
9	1	\$212
10	2	282
11	3	354
12	4	426
13	5	501
14	6	570
15	7	642
16	8	713
17	9	785
18	10 or more	857

19 (3) Able-bodied persons without dependent minor
20 children living in the household are not eligible for
21 nonmedical general relief assistance, except as provided in
22 53-3-209.

23 (4) (a) When the household's income exceeds the
24 monthly income standard for a household of that size because
25 of receipt of lump-sum income, the household will be

1 ineligible for general relief for the full number of months,
2 beginning with the month of receipt, derived by dividing the
3 total of the lump-sum income and other income by the monthly
4 income standard for a household of that size. Any income
5 remaining from this calculation will be considered as income
6 in the first month following the period of ineligibility.

7 (b) The period of ineligibility may be recalculated if
8 the household size changes or if a portion of the lump sum
9 was used to pay medical bills for a serious medical
10 condition.

11 (c) Ineligibility due to the receipt of a lump sum
12 does not preclude eligibility for general relief medical
13 assistance.

14 (5) All applicants for and recipients of general
15 relief assistance who reside in the same residence are
16 considered as one household.

17 (6) Prospective income that is reasonably certain to
18 be received by the household during an eligibility period
19 must be considered when determining eligibility.

20 (7) The following resources of a household must be
21 excluded from consideration of resources for eligibility
22 purposes:

23 (a) the domicile of the household, including necessary
24 appurtenant land not exceeding 10 acres;

25 (b) a motor vehicle that has no more than \$1,500 in

1 equity value;

2 (c) personal items, clothing, household furniture,
3 appliances, and other essential household items, the total
4 equity value of which does not exceed resource eligibility
5 limits established by rule; and

6 (d) tools of a trade that are essential to the current
7 or future employment of a household member.

8 (8) A person who is committed or sentenced by legal
9 process to a state institution or a secure facility operated
10 by the state or who is incarcerated in a secure facility
11 operated by the state pending resolution of legal process is
12 not eligible for general relief.

13 (9) A person who resides for a period of 1 day or more
14 in any state or federally operated institution or residence
15 is not eligible for general relief for the period of that
16 residency.

17 (10) For the purposes of an eligibility determination,
18 an applicant for or recipient of general relief may be
19 requested to produce all financial and other information
20 concerning the household.

21 (11) Whenever practical, an eligibility determination
22 must be made within 30 days of the date of application and
23 the applicant must be notified in writing of the eligibility
24 determination and the reasons for the determination.

25 (12) An alien determined to be illegally within the

1 United States is not eligible for general relief."

2 NEW SECTION. Section 3. Extension of authority. Any
3 existing authority of the department of social and
4 rehabilitation services to make rules on the subject of the
5 provisions of this act is extended to the provisions of this
6 act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB178, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to establish the responsibility for payment of medical expenses incurred by a person incarcerated in a county jail; and amending sections 7-32-222 and 53-3-205, MCA.

ASSUMPTIONS:

1. It is not possible to estimate local government expenditures for medical expenses for prisoners as there is no data for such costs or for the number of prisoners detained in county jails who would qualify for general relief assistance.

FISCAL IMPACT:

The fiscal impact for this bill is unknown. It is not possible to determine a reasonably accurate estimate because there is no data specifying county expenditures for prisoners' medical expenses or for the number of prisoners that would be eligible for state payment of medical expenses under the provisions of this bill. However, if state payment of such medical expenses were similar to expenditures under state-assumption of county general relief programs, state general fund outlay for prisoner expenses could be much greater than the amount previously expended by counties.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

County expenditures for prisoners' medical expenses would decrease by an undetermined amount.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

It is not possible to predict the long-range effects of the proposed legislation. It is probable that state outlays for prisoners' medical expenses could be greater than those historically incurred by counties.

 DATE 1/24/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 1-26-87

TOM BECK, PRIMARY SPONSOR

Fiscal Note for SB178, as introduced.

SB-178

APPROVED BY COMM. ON
FINANCE AND CLAIMS

1 SENATE BILL NO. 178

2 INTRODUCED BY BECK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
5 RESPONSIBILITY FOR PAYMENT OF MEDICAL EXPENSES INCURRED BY
6 A PERSON INCARCERATED IN A COUNTY JAIL; AND AMENDING
7 SECTIONS SECTION 7-32-2222 AND 53-3-205, MCA."

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

10 Section 1. Section 7-32-2222, MCA, is amended to read:

11 "7-32-2222. Health and safety of prisoners. (1) When a
12 county jail or building contiguous to it is on fire and
13 there is reason to believe that the prisoners may be injured
14 or endangered, the sheriff, jail administrator, or private
15 party jailer must remove them to a safe and convenient place
16 and there confine them as long as it may be necessary to
17 avoid the danger.

18 (2) When a pestilence or contagious disease breaks out
19 in or near a jail and the physician thereof certifies that
20 it is likely to endanger the health of the prisoners, the
21 district judge may by a written appointment designate a safe
22 and convenient place in the county or the jail in a
23 contiguous county as the place of their confinement. The
24 appointment must be filed in the office of the clerk and
25 authorize the sheriff, jail administrator, or private party

1 jailer to remove the prisoners to the designated place or
2 jail and there confine them until they can be safely
3 returned to the jail from which they were taken.

4 (3) If in the opinion of the sheriff, jail
5 administrator, or private party jailer any prisoner, while
6 detained, requires medication, medical services, or
7 hospitalization, the expense of the same shall be borne by
8 ~~the agency or authority at whose instance the prisoner is~~
9 ~~detained when the agency or authority is not the county~~
10 ~~wherein the prisoner is being detained~~ the prisoner if it is
11 determined that he is financially able to pay. The county
12 attorney shall initiate proceedings to collect any charges
13 arising from such medical services or hospitalization for
14 the prisoner involved if ~~it is determined~~ the prisoner is
15 financially able to pay. ~~If the prisoner is determined~~
16 ~~eligible for general relief medical assistance pursuant to~~
17 ~~53-3-205, then payment must be made from funds available for~~
18 ~~such assistance.~~ If the agency or authority at whose
19 instance the prisoner is detained is not the county wherein
20 the prisoner is being detained, such agency or authority is
21 responsible for payment of the medical costs."

22 Section 2. ~~Section 53-3-205, MCA, is amended to read:~~

23 "~~53-3-205. Eligibility for general relief. (1) A~~
24 ~~person or persons constituting a household may receive~~
25 ~~general relief assistance for basic necessities if the~~

1 household--is-determined-to-be-eligible-under-the-provisions
2 of-this-section-and-is-in-need-of-such-assistance-as-a
3 result-of-their-infirmary-misfortune-or-indigency:

4 (2)--A-household-is-eligible-for-general-relief-if-the
5 household-income-does-not-exceed-that-set-forth-in-the
6 following-table:

7 Number-of-Persons 8 in-Household	Monthly-Income-Standard
9 1	\$212
10 2	282
11 3	354
12 4	426
13 5	501
14 6	578
15 7	642
16 8	713
17 9	785
18 10 or more	857

19 (3)--Able-bodied---persons---without---dependent---minor
20 children-living-in-the-household-are-not-eligible-for
21 nonmedical-general-relief-assistance,-except-as-provided-in
22 53-3-209:

23 (4)--(a)-When-the-household's-income-exceeds-the
24 monthly-income-standard-for-a-household-of-that-size-because
25 of-receipt-of-lump-sum-income,-the-household-will-be

1 ineligible-for-general-relief-for-the-full-number-of-months,
2 beginning-with-the-month-of-receipt,-derived-by-dividing-the
3 total-of-the-lump-sum-income-and-other-income-by-the-monthly
4 income-standard-for-a-household-of-that-size.-Any-income
5 remaining-from-this-calculation-will-be-considered-as-income
6 in-the-first-month-following-the-period-of-ineligibility:

7 (b)--The-period-of-ineligibility-may-be-recalculated-if
8 the-household-size-changes-or-if-a-portion-of-the-lump-sum
9 was-used-to-pay-medical-bills-for-a-serious-medical
10 condition:

11 (c)--Ineligibility-due-to-the-receipt-of-a-lump-sum
12 does-not-preclude-eligibility-for-general-relief-medical
13 assistance:

14 (5)--All-applicants-for-and-recipients-of-general
15 relief-assistance-who-reside-in-the-same-residence-are
16 considered-as-one-household:

17 (6)--Prospective-income-that-is-reasonably-certain-to
18 be-received-by-the-household-during-an-eligibility-period
19 must-be-considered-when-determining-eligibility:

20 (7)--The-following-resources-of-a-household-must-be
21 excluded-from-consideration-of-resources-for-eligibility
22 purposes:

23 (a)--the-domicile-of-the-household,-including-necessary
24 appurtenant-land-not-exceeding-10-acres;

25 (b)--a-motor-vehicle-that-has-no-more-than-\$1,500-in

1 equity-value;

2 (c) ~~--personal--items;--clothing;--household--furniture;~~
3 ~~appliances;--and--other-essential-household-items;--the-total~~
4 ~~equity-value-of-which-does-not-exceed--resource--eligibility~~
5 ~~limits-established-by-rule;--and~~

6 (d) ~~--tools-of-a-trade-that-are-essential-to-the-current~~
7 ~~or-future-employment-of-a-household-member;~~

8 (8) ~~--A--person--who--is-committed-or-sentenced-by-legal~~
9 ~~process-to-a-state-institution-or-a-secure-facility operated~~
10 ~~by-the-state or-who-is-incarcerated--in--a--secure--facility~~
11 ~~operated-by-the-state pending-resolution-of-legal-process-is~~
12 ~~not-eligible-for-general-relief;~~

13 (9) ~~--A-person-who-resides-for-a-period-of-1-day-or-more~~
14 ~~in--any-state-or-federally-operated-institution-or-residence~~
15 ~~is-not-eligible-for-general-relief-for-the--period--of--that~~
16 ~~residency;~~

17 (10) ~~--For--the-purposes-of-an-eligibility-determination,~~
18 ~~an-applicant-for-or--recipient--of--general--relief--may--be~~
19 ~~requested--to--produce--all--financial-and-other-information~~
20 ~~concerning-the-household;~~

21 (11) ~~Whenever-practical,--an--eligibility--determination~~
22 ~~must--be--made-within-30-days-of-the-date-of-application-and~~
23 ~~the-applicant-must-be-notified-in-writing-of-the-eligibility~~
24 ~~determination-and-the-reasons-for-the-determination;~~

25 (12) ~~An-alien-determined-to-be-illegally--within--the~~

1 ~~United-States-is-not-eligible-for-general-relief."~~

2 NEW SECTION. Section 2. Extension of authority. Any
3 existing authority of the department of social and
4 rehabilitation services to make rules on the subject of the
5 provisions of this act is extended to the provisions of this
6 act.

-End-