

SENATE BILL 179

Introduced by Christiaens, et al.

1/18	Introduced
1/18	Referred to Judiciary
1/18	First Reading
2/04	Hearing
2/15	Committee Report--Bill Passed as Amended
2/16	2nd Reading Passed
2/17	3rd Reading Passed

	Transmitted to House
2/23	Referred to Judiciary
2/23	First Reading
3/17	Hearing
3/26	Missed Transmittal Deadline

1 Senate BILL NO. 179
2 INTRODUCED BY Smith
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING PRIVATE,
5 FOR-PROFIT MONTANA CORPORATIONS TO CONTRACT TO OPERATE
6 COMMUNITY-BASED PRERELEASE CENTERS; AMENDING SECTION
7 53-1-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 53-1-203, MCA, is amended to read:
11 "53-1-203. Powers and duties of department. The
12 department shall:
13 (1) adopt rules for the admission, custody, transfer,
14 and release of persons in department programs except as
15 otherwise provided by law; however, no such rules may not
16 amend or alter the statutory powers and duties of the state
17 board of pardons;
18 (2) subject to the functions of the department of
19 administration, lease or purchase lands for use by
20 institutions and classify those lands to determine which are
21 of such the character as to be most profitably used for
22 agricultural purposes, taking into consideration the needs
23 of all institutions for the food products that can be grown
24 or produced on the lands and the relative value of
25 agricultural programs in the treatment or rehabilitation of

1 the persons confined in the institutions;
2 (3) contract with private nonprofit Montana
3 corporations to establish and maintain community based
4 prerelease centers for purposes of preparing inmates of the
5 Montana state prison who are approaching parole eligibility
6 or discharge for release into the community; the centers
7 shall provide a less restrictive environment than the prison
8 while maintaining adequate security; the centers ~~shall~~ must
9 be operated in coordination with other department
10 correctional programs, including the supervised release
11 program provided for in Title 46, chapter 23, part 4.
12 ~~Nothing--in--this~~ This subsection ~~shall~~ does not affect the
13 department's authority to operate and maintain community
14 based prerelease centers in existence on July 14, 1982.
15 (4) utilize the staff and services of other state
16 agencies and units of the Montana university system, within
17 their respective statutory functions, to carry out its
18 functions under this title;
19 (5) propose programs to the legislature to meet the
20 projected long-range needs of institutions, including
21 programs and facilities for the diagnosis, treatment, care,
22 and aftercare of persons placed in institutions; and
23 (6) encourage the establishment of programs at the
24 local level for the prevention and rehabilitation of
25 disabilities as they relate to mental illness and chemical

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1 dependency and encourage the establishment of programs at
2 the local and institutional level for the rehabilitation and
3 education of adult felony offenders."

4 NEW SECTION. **Section 2.** Effective date. [This act] is
5 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 179

INTRODUCED BY CHRISTIAENS, SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING PRIVATE, FOR-PROFIT MONTANA CORPORATIONS TO CONTRACT TO OPERATE COMMUNITY-BASED PRERELEASE CENTERS; AMENDING SECTION 53-1-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, IT IS THE INTENT OF THE LEGISLATURE THAT WHEN THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES CONTRACTS WITH A FOR-PROFIT CORPORATION TO OPERATE A COMMUNITY-BASED PRERELEASE CENTER, THE CONTRACT MAINTAIN THE SAME LEVEL OF PAY AND BENEFITS FOR ALL EMPLOYEES AND HONOR THE TERMS, IF APPLICABLE, OF ANY COLLECTIVE BARGAINING AGREEMENT IN PLACE AT THE TIME THE CONTRACT IS EXECUTED.

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

Section 1. Section 53-1-203, MCA, is amended to read:

"53-1-203. Powers and duties of department. The department shall:

(1) adopt rules for the admission, custody, transfer, and release of persons in department programs except as otherwise provided by law; however, ~~no-such~~ rules may not amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of ~~such the~~ character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private ~~nonprofit~~ Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers ~~shall~~ must be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. ~~Nothing--in--this~~ This subsection ~~shall~~ does not affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its

functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of disabilities as they relate to mental illness and chemical dependency and encourage the establishment of programs at the local and institutional level for the rehabilitation and education of adult felony offenders."

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