

SENATE BILL NO. 61

#### INTRODUCED BY

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A DETENTION CENTER ADMINISTRATOR TO  
5 REFUSE CUSTODY OF PERSONS CHARGED WITH OR CONVICTED OF MISDEMEANORS WHEN THE  
6 DETENTION CENTER IS AT FULL CAPACITY; AND AMENDING SECTIONS 7-32-2202 AND 7-32-2205,  
7 MCA."

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

**Section 1.** Section 7-32-2202, MCA, is amended to read:

12       **"7-32-2202. Use of detention center in contiguous county.** (1) When there is no detention center  
13      in the county or when the detention center becomes unfit or unsafe for the confinement of inmates, the  
14      district judge may, by written appointment filed with the clerk, designate the detention center of a  
15      contiguous county for the confinement of ~~the~~ inmates of ~~his~~ the county with no detention center or inmates  
16      held in the unfit or unsafe detention center and may at any time modify or annul the appointment.

17 (2) A copy of the appointment, certified by the clerk, must be served on the detention center  
18 administrator of each county involved, ~~who must receive~~ Subject to the provisions of 7-32-2205, the  
19 detention center administrator shall accept into ~~his~~ the detention center all inmates authorized to be  
20 confined ~~therein~~ in the detention center pursuant to this section, ~~and who~~ The detention center  
21 administrator is responsible for the safekeeping of the ~~persons~~ ~~so~~ inmates committed in the same manner  
22 and to the same extent as if ~~he~~ the detention center administrator were the detention center administrator  
23 of the county for whose use ~~his~~ the detention center is designated. With respect to the ~~persons~~ ~~so~~ inmates  
24 committed, ~~he~~ the detention center administrator is ~~deemed~~ considered the detention center administrator  
25 of the county from which they were removed.

26 (3) When a detention center is erected in the county ~~for the use of which the designation was~~  
27 ~~made with no detention center or its~~ when the county's detention center is rendered fit and safe for the  
28 confinement of inmates, the district judge of that county ~~must~~ shall, by a written revocation filed with the  
29 clerk, declare that the necessity for the designation made pursuant to subsection (1) has ceased and that  
30 it is revoked.

1                   (4) The clerk ~~must~~ shall immediately serve a copy of the revocation upon the detention center  
2 administrator of each county involved. The detention center administrator in the designated county ~~must~~  
3 ~~thereupon shall upon receipt of the copy of the revocation remove transfer~~ the inmates to the detention  
4 center ~~of the county from which the removal was had~~ they were removed."

5

6                   **Section 2.** Section 7-32-2205, MCA, is amended to read:

7                   **"7-32-2205. Confinement of inmates.** (1) ~~Except as provided in subsection (2), The~~ the detention  
8 center administrator shall ~~receive accept~~ all persons committed to the detention center by competent  
9 authority and provide them with necessary food, clothing, and bedding.

10                   (2) ~~If a detention center is operating at full capacity, as determined by state and local fire codes~~  
11 ~~for correctional occupancy or by safety and security codes as determined by the detention center~~  
12 ~~administrator, the detention center administrator may refuse to confine any person who has been charged~~  
13 ~~with or convicted of a misdemeanor, as defined in 45-2-101.~~"

14

-END-

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6 DOMESTIC ABUSE, STALKING, AND DUI VIOLATIONS, WHEN THE DETENTION CENTER IS AT FULL  
7 CAPACITY; AND AMENDING SECTIONS 7-32-2202 AND 7-32-2205, MCA."

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

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11 Section 1. Section 7-32-2202, MCA, is amended to read:

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15 contiguous county for the confinement of ~~the inmates of his the county with no detention center or inmates~~  
16 held in the unfit or unsafe detention center and may at any time modify or annul the appointment.17 (2) A copy of the appointment, certified by the clerk, must be served on the detention center  
18 administrator of each county involved, ~~who must receive Subject to the provisions of 7-32-2205, the~~  
19 detention center administrator shall accept into ~~his the~~ the detention center all inmates authorized to be  
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24 committed, ~~he the~~ the detention center administrator is deemed considered the detention center administrator  
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8        center administrator shall ~~receive~~ accept all persons committed to the detention center by competent  
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10       (2) If a detention center is operating at full capacity, as determined by state and local fire codes  
11       for correctional occupancy or by safety and security codes as determined by the detention center  
12       administrator, the detention center administrator may refuse to confine OR TO CONTINUE TO CONFINE any  
13       person who has been charged with or convicted of a misdemeanor, as defined in 45-2-101, EXCEPT A  
14       PERSON CHARGED WITH OR CONVICTED OF A VIOLATION OF 45-5-206, 45-5-220, 61-8-401, OR  
15       61-8-406."

16

-END-

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