

HOUSE BILL NO. 316
INTRODUCED BY J. SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF THE INMATE POPULATION OF A CORRECTIONAL INSTITUTION OR SYSTEM EXCEEDS THE EMERGENCY CAPACITY FOR 30 CONSECUTIVE DAYS, THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS MAY, UNTIL THE INMATE POPULATION IS REDUCED TO 95 PERCENT OR LESS OF THE EMERGENCY CAPACITY AND IF THE GOVERNOR APPROVES, DISCHARGE INMATES WHO ARE NOT SERVING A SENTENCE FOR A SEXUAL OR VIOLENT OFFENSE AT ANY TIME WITHIN 90 DAYS PRIOR TO THE DAY ON WHICH THE INMATE IS ELIGIBLE FOR DISCHARGE; AMENDING SECTION 53-30-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 53-30-106, MCA, is amended to read:

"53-30-106. Excessive inmate population -- confinement of inmates in other institutions. (1) If the inmate population of a correctional institution or system exceeds the emergency capacity for 30 consecutive days, the director of the department of corrections may ~~declare that the emergency capacity has been exceeded and temporarily stop admissions to the institution or system. The director shall notify each sheriff and district court that new inmates will not be accepted by the department for admission into the institution or system until the inmate population is reduced to 95% or less of the emergency capacity. Persons committed to the department and persons sought to be admitted remain in the department's legal custody but must be kept in a detention center in the jurisdiction holding them. In the event the jurisdiction holding the inmate is at maximum capacity, the inmate may be placed in an available detention center in another jurisdiction. The department shall reimburse that jurisdiction for the cost of detention for the period beyond the normal time of delivery to a correctional institution administered by the department. Reimbursement must be at a rate mutually agreeable to the department and the jurisdiction holding the person. The rate must cover the reasonable costs of the holding jurisdiction. Expenses for medication, medical services, or hospitalization for persons confined in a detention center under this section must be paid by the department.~~ until the inmate population is reduced to 95% or less of the emergency capacity and if the governor approves in a letter addressed to the director, discharge inmates who are not serving a sentence for a sexual or violent offense, as defined in 46-23-502, from the correctional

institution or system at any time within 90 days prior to the day on which the inmate is eligible for discharge.

(2) The department may enter into contracts with the federal government, other states, or the commissioners of counties that have suitable detention centers for confining inmates committed to a correctional institution or system administered by the department, either because a correctional institution or system has exceeded its emergency capacity or because the department has no institution that is adequate for certain inmates.

(3) Within budgetary limits, the department may also enter into contracts with public or private corporations for the confinement of selected inmates if suitable programs have been established."

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

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