

HOUSE BILL NO. 451

INTRODUCED BY E. CLARK, ANDERSON, BALES, BARKUS, BLACK, MANGAN, ROUSH, STORY,
TAYLOR, TROPILA, WITT, ANDERSEN, BARRETT, JUNEAU, LAKE, LEHMAN, LEWIS, A. OLSON, RICE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PRIVATE CORRECTIONAL FACILITIES TO CONFIN
OUT-OF-STATE INMATES; AMENDING SECTION 53-30-603, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. Section 53-30-603, MCA, is amended to read:

"53-30-603. Private correctional facilities -- confinable persons. (1) An individual, corporation,
partnership, association, or other private organization or entity may not construct a private correctional facility in
this state unless authorized by the department.

(2) An individual, corporation, partnership, association, or other private organization or entity may not
operate a private correctional facility in this state unless licensed by the department. A license is nontransferable.

(3) A person charged or convicted in another state ~~or charged or convicted in federal court in another
state~~ COURT may ~~not~~ be confined in a private correctional facility in this state pursuant to approval by the
department of a written agreement between the originating jurisdiction and the private correctional facility IF THE
PERSON IS AT ALL TIMES AND IN ALL PLACES WITHIN THE CORRECTIONAL FACILITY KEPT PHYSICALLY SEPARATED FROM
PERSONS CONVICTED IN THIS STATE. THE AGREEMENT MUST INCLUDE PROVISIONS FOR RETURNING THE OUT-OF-STATE
INMATE TO THE ORIGINATING JURISDICTION AT LEAST 90 DAYS PRIOR TO THE INMATE'S PAROLE OR RELEASE. The
department's approval OF THE AGREEMENT may not be unreasonably withheld."

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

NEW SECTION. **SECTION 3. TERMINATION.** [THIS ACT] TERMINATES JUNE 30, 2006.

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