

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~~ ANY state OR U.S. FEDERAL ~~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 AN 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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