

HOUSE BILL NO. 174
INTRODUCED BY C. LAMBERT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PAYMENT OF COSTS AT A DETENTION CENTER TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PAY THE COSTS FOR HOLDING A PROBATION OR PAROLE VIOLATOR IN A COUNTY DETENTION CENTER IF THE DEPARTMENT IS THE ARRESTING AGENCY; AMENDING SECTION 7-32-2242, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-32-2242, MCA, is amended to read:

"7-32-2242. Use of detention center -- payment of costs. (1) Local government, state, and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center.

(2) (a) If a person is confined in a detention center by an arresting agency that is not responsible for the operation of the detention center, the costs of holding the person in confinement must be paid by the arresting agency at a rate that is agreed upon by the arresting agency and the detention center and that covers the reasonable costs of confinement, excluding capital construction costs, except as provided in 7-32-2245 or subsection (2)(b) of this section.

(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the costs must be paid by the county, except as provided in 7-32-2245. If the department of corrections is the arresting agency and the inmate is a probation or parole violator, the costs must be paid by the county ~~in which the district court that retains jurisdiction over the inmate is located~~ department, except as provided in 7-32-2245.

(c) The department of corrections is responsible for the costs of confinement of a person in a detention center from the date of an acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty until the person is transferred to a state correctional facility.

~~(c)(d)~~ Payments Upon presentation of a claim to the arresting agency, payments must be made to the government unit responsible for the detention center or to the administrator operating a private detention center

under an agreement provided for in 7-32-2201, ~~upon presentation of a claim to the arresting agency.~~

(3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including medical expenses, of holding the person in a detention center pending extradition must be paid by the out-of-state jurisdiction."

NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2007.

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