

SENATE BILL NO. 17

INTRODUCED BY J. SHOCKLEY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT DETENTION CENTERS MAY BE ADMINISTERED ONLY BY A SHERIFF, A CHIEF OF POLICE, AN ADMINISTRATOR OPERATING A PRIVATE DETENTION CENTER, OR THE DEPARTMENT OF CORRECTIONS; AND AMENDING SECTIONS 7-32-2120, 7-32-2121, 7-32-2201, 7-32-2204, AND 7-32-2241, MCA."

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

Section 1. Section 7-32-2120, MCA, is amended to read:

"7-32-2120. Definitions. As used in this part, the following definitions apply:

(1) "Detention center" means a facility established and maintained by an appropriate entity for the purpose of confining arrested persons or persons sentenced to the detention center.

(2) "Detention center administrator" means the sheriff, a chief of police, administrator, superintendent, director, or other individual serving as the chief executive officer of a detention center an administrator operating a private detention center under an agreement provided for in 7-32-2201, or the department of corrections.

(3) "Detention center staff" means custodial personnel whose duties include ongoing supervision of the inmates in a detention center.

(4) "Inmate" means a person who is confined in a detention center.

(5) "Local government" means a city, town, county, or consolidated city-county government.

(6) "Multijurisdictional detention center" means a detention center established and maintained by two or more local governments for the confinement of persons arrested or sentenced to confinement or a local government detention center contracting to confine persons arrested or sentenced in other local governments.

(7) "Private detention center" means a detention center owned by private industry and leased to or operated under a contract with a local government."

Section 2. Section 7-32-2121, MCA, is amended to read:

"7-32-2121. Duties of sheriff. The sheriff shall:

(1) preserve the peace;

1 (2) arrest and take before the nearest magistrate for examination all persons who attempt to commit or
2 have committed a public offense;

3 (3) prevent and suppress all affrays, breaches of the peace, riots, and insurrections that may come to
4 the sheriff's knowledge;

5 (4) perform the duties of a humane officer within the county with reference to the protection of animals;

6 (5) attend all courts, except municipal, justices', and city courts, at their respective terms or sessions held
7 within the county and obey their lawful orders and directions;

8 (6) command the aid of as many inhabitants of the county as are necessary in the execution of the
9 sheriff's duties;

10 (7) take charge of and keep the detention center and the inmates in the detention center, unless the
11 detention center is operated by ~~a private party under an agreement entered into under 7-32-2201~~ or by a another
12 detention center administrator ~~or by another local government~~;

13 (8) endorse upon all notices and process the year, month, day, hour, and minute of receipt and issue
14 to the person delivering them, on payment of fees, a certificate showing the names of the parties, the title of the
15 paper, and the time of receipt;

16 (9) serve all process or notices in the manner prescribed by law;

17 (10) certify in writing upon the process or notices the manner and time of service or, if the sheriff fails to
18 make service, the reasons for this failure, and return the papers without delay;

19 (11) take charge of and supervise search and rescue units and their officers whenever search and rescue
20 units are called into service; and

21 (12) perform other duties that are required by law."
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23 **Section 3.** Section 7-32-2201, MCA, is amended to read:

24 **"7-32-2201. Establishing detention center -- detention center contract -- regional detention center**
25 **-- authority for county to lease its property for detention center.** For the confinement of lawfully committed
26 persons, the governing body of a county may participate in or undertake one or more of the following:

27 (1) A detention center may be built or provided and kept in good repair at the expense of the county in
28 each county, except that whenever in the discretion of the governing body of two or more local governments it
29 is necessary or desirable to build, provide, or use a multijurisdictional detention center, they may do so in any of
30 the jurisdictions concerned. The multijurisdictional detention center must be built or provided and kept in good

1 repair at the expense of the local governments concerned on a basis as the governing bodies agree.

2 (2) A county or two or more local governments acting together may provide for the detention center
3 allowed by subsection (1) by:

4 (a) ~~establishing in the county government the position of detention center administrator and hiring a~~
5 ~~person, who is answerable to the governing body of the county, to fill the position or appointing the sheriff, the~~
6 ~~chief of police, or the department of corrections~~ as detention center administrator; or

7 (b) entering into an agreement with a private party under which the private party will provide, maintain,
8 or operate the detention center.

9 (3) The detention centers in this state are kept by the detention center administrators of the local
10 governments in which they are situated. In the case of a multijurisdictional detention center as provided in
11 subsection (1), the detention center must be kept by the local governments using the detention center on a basis
12 as the governing bodies agree.

13 (4) The board of county commissioners has jurisdiction and power, under limitations and restrictions that
14 are prescribed by law, to cause a detention center to be erected, furnished, maintained, and operated. The costs
15 must be paid for out of the county treasury.

16 (5) The board of county commissioners has the power to lease to any person or entity any real or
17 personal property of the county necessary or appropriate for use as a detention center. A lease entered into under
18 this section must be for a period not to exceed 30 years and may not be limited by 7-8-2231.

19 (6) A county or two or more local governments acting together may enter into a lease-purchase
20 agreement with a person or entity for a period not to exceed 20 years for the construction, furnishing, and
21 purchasing of a detention center."

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23 **Section 4.** Section 7-32-2204, MCA, is amended to read:

24 **"7-32-2204. Maintenance of detention center.** The county commissioners, or the private party when
25 provided in an agreement entered into under 7-32-2201(2), have the duty of building, ~~operating~~, inspecting, and
26 repairing the detention center and must take all necessary precautions against escape, sickness, or infection."

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28 **Section 5.** Section 7-32-2241, MCA, is amended to read:

29 **"7-32-2241. Definitions.** As used in this part, the following definitions apply:

30 (1) "Detention center" means a facility established and maintained by an appropriate entity for the

1 purpose of confining arrested persons or persons sentenced to the detention center.

2 (2) "Detention center administrator" means the sheriff, a chief of police, administrator, superintendent,
3 director, or other individual serving as the chief executive officer of a detention center an administrator operating
4 a private detention center under an agreement provided for in 7-32-2201, or the department of corrections.

5 (3) "Detention center staff" means custodial personnel whose duties include ongoing supervision of the
6 inmates in a detention center.

7 (4) "Inmate" means a person who is confined in a detention center.

8 (5) "Local government" means a city, town, county, or consolidated city-county government.

9 (6) "Multijurisdictional detention center" means a detention center established and maintained by two
10 or more local governments for the confinement of persons arrested or sentenced to confinement or a local
11 government detention center contracting to confine persons arrested or sentenced in other local governments.

12 (7) "Private detention center" means a detention center owned by private industry and leased to or
13 operated under a contract with a local government."

14 - END -