

SENATE BILL NO. 101

INTRODUCED BY R. DRISCOLL

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF CORRECTIONS TO SET A MINIMUM AMOUNT PERCENTAGE OF EARNINGS THAT INMATE WORKERS ARE REQUIRED TO SAVE; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 53-1-107, MCA."

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

Section 1. Section 53-1-107, MCA, is amended to read:

"53-1-107. (Temporary) Inmate financial transactions and trust account system. (1) An inmate of a state prison, as defined in 53-30-101(3)(c)(i) through (3)(c)(iii) and (3)(c)(v), shall use the prison inmate trust account system administered by the department of corrections to send money out of or receive money in the facility unless the department grants the inmate an exception. The department may charge an inmate a minimum fee, not to exceed \$2 each month, to administer the inmate's account.

(2) The department may, consistent with administrative rules adopted by the department, use a portion of the funds in an inmate's account to:

- (a) satisfy court-ordered restitution, whether or not restitution is a condition of probation or parole;
(b) satisfy court-ordered child support;
(c) satisfy court-ordered fines, fees, or costs;
(d) pay for the inmate's medical and dental expenses and costs of incarceration; and
(e) pay any other fees, costs, expenses, or monetary sanctions ordered by a court or imposed by a state prison and pay reasonable claims by a debt collection or financial institution.

(3) (a) Money taken under subsection (2) for the payment of restitution must be paid in the following order:

- (i) to the victim until the victim's unreimbursed pecuniary loss is satisfied;
(ii) to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in 53-9-113 until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;



1 (iii) to any other government agency that has compensated the victim for the victim's pecuniary loss; and
 2 (iv) to any insurance company that has compensated the victim for the victim's pecuniary loss.

3 (b) If there is a balance of money in the inmate's account after payments under subsection (2), the
 4 department may allow the balance to accumulate in a savings subaccount for the inmate.

5 (4) (a) The department ~~may~~ SHALL adopt rules to set a ~~minimum amount~~ PERCENTAGE of earnings that
 6 ~~an inmate worker is required to save in a savings subaccount.~~

7 (b) The rules must include that, upon release of an inmate ~~worker~~ from a state prison, the department
 8 ~~may~~ SHALL dispense money directly from the subaccount to the former ~~inmate worker's~~ INMATE, THE INMATE'S
 9 ~~landlord, or other approved recipients, including service providers.~~

10 ~~(4)(5)~~ The department shall adopt rules establishing the prison inmate trust account system and criteria
 11 for the use of funds under this section. The rules must contain clear guidelines regarding the use of funds that
 12 ensure payment under subsection (2) and that inhibit an inmate's ability to deal in contraband or illegal acts within
 13 or outside the state prison.

14 ~~(5)(6)~~ An inmate is responsible for the inmate's medical and dental expenses and is obligated to repay
 15 the department for reasonable costs incurred by the department for the inmate's medical and dental expenses.
 16 The department may investigate, identify, take in any manner allowed by law for the satisfaction of a judgment,
 17 and use to pay the inmate's medical and dental expenses any assets of the inmate or any income of the inmate
 18 from sources outside the state prison that is not deposited in the account provided for in subsection (1).
 19 (Terminates June 30, 2015--sec. 14, Ch. 374, L. 2009.)

20 **53-1-107. (Effective July 1, 2015) Inmate financial transactions and trust account system.** (1) An
 21 inmate of a state prison, as defined in 53-30-101(3)(c)(i) through (3)(c)(iii) and (3)(c)(v), shall use the prison
 22 inmate trust account system administered by the department of corrections to send money out of or receive
 23 money in the facility unless the department grants the inmate an exception. The department may charge an
 24 inmate a minimum fee, not to exceed \$2 each month, to administer the inmate's account.

25 (2) The department may, consistent with administrative rules adopted by the department, use a portion
 26 of the funds in an inmate's account to:

- 27 (a) satisfy court-ordered restitution, whether or not restitution is a condition of probation or parole;
 28 (b) satisfy court-ordered child support;
 29 (c) satisfy court-ordered fines, fees, or costs;
 30 (d) pay for the inmate's medical and dental expenses and costs of incarceration; and

1 (e) pay any other fees, costs, expenses, or monetary sanctions ordered by a court or imposed by a state
2 prison and pay reasonable claims by a debt collection or financial institution.

3 (3) (a) Money taken under subsection (2) for the payment of restitution must be paid in the following
4 order:

5 (i) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

6 (ii) to the crime victims compensation and assistance program in the department of justice for deposit in
7 the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to Title
8 53, chapter 9, part 1;

9 (iii) to any other government agency that has compensated the victim for the victim's pecuniary loss; and

10 (iv) to any insurance company that has compensated the victim for the victim's pecuniary loss.

11 (b) If there is a balance of money in the inmate's account after payments under subsection (2), the
12 department may allow the balance to accumulate in a savings subaccount for the inmate.

13 (4) (a) The department ~~may~~ SHALL adopt rules to set a ~~minimum amount~~ PERCENTAGE of earnings that
14 an inmate worker is required to save in a savings subaccount.

15 (b) The rules must include that, upon release of an inmate ~~worker~~ from a state prison, the department
16 ~~may~~ SHALL dispense money directly from the subaccount to the former ~~inmate worker's~~ INMATE, THE INMATE'S
17 landlord, or other approved recipients, including service providers.

18 (4)(5) The department shall adopt rules establishing the prison inmate trust account system and criteria
19 for the use of funds under this section. The rules must contain clear guidelines regarding the use of funds that
20 ensure payment under subsection (2) and that inhibit an inmate's ability to deal in contraband or illegal acts within
21 or outside the state prison.

22 (5)(6) An inmate is responsible for the inmate's medical and dental expenses and is obligated to repay
23 the department for reasonable costs incurred by the department for the inmate's medical and dental expenses.
24 The department may investigate, identify, take in any manner allowed by law for the satisfaction of a judgment,
25 and use to pay the inmate's medical and dental expenses any assets of the inmate or any income of the inmate
26 from sources outside the state prison that is not deposited in the account provided for in subsection (1)."

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