

HOUSE BILL NO. 302

INTRODUCED BY M. FUNK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PAYMENT OF COSTS AT A DETENTION CENTER;
5 REQUIRING THE DEPARTMENT OF CORRECTIONS TO PAY THE COSTS FOR HOLDING A PROBATION
6 OR PAROLE VIOLATOR OR A PERSON SUBJECT TO A PETITION TO REVOKE A SUSPENDED OR
7 DEFERRED SENTENCE IN A COUNTY DETENTION CENTER IF THE DEPARTMENT IS THE ARRESTING
8 AGENCY; REQUIRING THE DEPARTMENT OF CORRECTIONS TO PAY THE COSTS FOR HOLDING A
9 PERSON IN A COUNTY DETENTION CENTER FROM THE DATE OF A PLEA, VERDICT, OR FINDING OF
10 GUILTY; AMENDING SECTION 7-32-2242, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

15 **"7-32-2242. Use of detention center -- payment of costs.** (1) Local government, state, and federal
16 law enforcement and correctional agencies may use any detention center for the confinement of arrested persons
17 and the punishment of offenders; under conditions imposed by law and with the consent of the governing body
18 responsible for the detention center.

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

24 (b) If a city or town commits a person to the detention center of the county in which the city or town is
25 located for a reason other than detention pending trial for or detention for service of a sentence for violating an
26 ordinance of that city or town, the costs must be paid by the county, except as provided in 7-32-2245.

27 (c) If the department of corrections is the arresting agency and the inmate is a probation or parole violator
28 or is subject to a petition for revocation of a deferred or suspended sentence as provided in 46-18-203, the costs
29 must be paid by the ~~county in which the district court that retains jurisdiction over the inmate is located~~
30 department, except as provided in 7-32-2245. The department is responsible for the costs of confinement of a



1 person in a detention center:

2 (i) from the date of an acceptance of a plea or a verdict or finding of guilty until the person is transferred
3 to a state correctional facility; or

4 (ii) from the date the person is confined in the detention center because of the filing of a petition to revoke
5 a suspended or deferred sentence as provided in 46-18-203 until the person is released or transferred to a state
6 correctional facility.

7 ~~(e)(d) Payments~~ Upon presentation of a claim to the arresting agency, payments must be made to the
8 government unit responsible for the detention center or to the administrator operating a private detention center
9 under an agreement provided for in 7-32-2201, ~~upon presentation of a claim to the arresting agency.~~

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

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14 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2017.

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