

SENATE BILL NO. 36

INTRODUCED BY M. MACDONALD

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING EXCEPTIONS TO MANDATORY INMATE SAVINGS LAWS; EXTENDING THE DEPARTMENT OF CORRECTIONS' RULEMAKING AUTHORITY TO PROVIDE FOR THE EXCEPTIONS; 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 shall adopt rules to set a percentage of earnings not to exceed 25% that an  
 6 inmate worker is required to save in a savings subaccount.

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

10 (c) The department shall adopt rules to exempt the following inmates from participation in the mandatory  
 11 inmate savings program under subsection (4)(a):

12 (i) inmates who are of advanced age;

13 (ii) inmates who have a parole eligibility date that puts them at an advanced age at eligibility;

14 (iii) inmates who do not have parole eligibility and are serving a long sentence that puts them at an  
 15 advanced age upon their discharge date;

16 (iv) inmates who are serving a life sentence but have a parole eligibility date that puts them at an  
 17 advanced age at eligibility; and

18 (v) inmates who are not eligible for parole and are serving life sentences.

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

23 (6) An inmate is responsible for the inmate's medical and dental expenses and is obligated to repay the  
 24 department for reasonable costs incurred by the department for the inmate's medical and dental expenses. The  
 25 department may investigate, identify, take in any manner allowed by law for the satisfaction of a judgment, and  
 26 use to pay the inmate's medical and dental expenses any assets of the inmate or any income of the inmate from  
 27 sources outside the state prison that is not deposited in the account provided for in subsection (1). (Terminates  
 28 June 30, 2021--sec. 27, Ch. 285, L. 2015; sec. 1, Ch. 292, L. 2015.)

29 **53-1-107. (Effective July 1, 2021) Inmate financial transactions and trust account system.** (1) An  
 30 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

1 inmate trust account system administered by the department of corrections to send money out of or receive  
2 money in the facility unless the department grants the inmate an exception. The department may charge an  
3 inmate a minimum fee, not to exceed \$2 each month, to administer the inmate's account.

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

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7 (b) satisfy court-ordered child support;

8 (c) satisfy court-ordered fines, fees, or costs;

9 (d) pay for the inmate's medical and dental expenses and costs of incarceration; and

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

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

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

15 (ii) to the crime victims compensation and assistance program in the department of justice for deposit in  
16 the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to Title  
17 53, chapter 9, part 1;

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

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

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

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26 recipients, including service providers.

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