



AN ACT REQUIRING THAT CERTAIN COSTS PAID BY AN ARRESTING AGENCY OR THE DEPARTMENT OF CORRECTIONS TO THE OPERATOR OF A DETENTION CENTER BE BASED ON ACTUAL COSTS; PROVIDING DEFINITIONS; 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) ~~Except as provided in 7-32-2245, if a person is confined in a detention center by an arresting agency not responsible for the operation of the detention center, the actual 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 unless otherwise agreed to by the arresting agency and the operator of the detention center.~~

(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 violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.

(c) The department of corrections is responsible to pay actual costs for defendants following the pronouncement of sentence pursuant to 46-19-101.

(d) 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~~ on presentation of a claim to the arresting agency.

(e) For purposes of this section, "actual costs" of a detention center is defined as the greater of:

(i) the daily per inmate provider rate for crossroads correctional facility less 10%; or:

(ii) \$82.

(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."

Section 2. Effective date. [This act] is effective July 1, 2023.

- END -

I hereby certify that the within bill,
HB 174, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 174

INTRODUCED BY K. SEEKINS-CROWE

AN ACT REQUIRING THAT CERTAIN COSTS PAID BY AN ARRESTING AGENCY OR THE DEPARTMENT OF CORRECTIONS TO THE OPERATOR OF A DETENTION CENTER BE BASED ON ACTUAL COSTS; PROVIDING DEFINITIONS; AMENDING SECTION 7-32-2242, MCA; AND PROVIDING AN EFFECTIVE DATE.