

## ALTERING THE NUMBER, TYPE, OR FUNCTIONS OF STATE CORRECTIONAL FACILITIES

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** Montana has many options to house offenders sentenced to its custody, including state-operated prisons or other facilities, a private prison, regional prisons, facilities for youth, and community corrections programs and facilities with which the state can contract for services or beds. [Section 53-30-101, MCA](#), defines the locations and functions of the prisons. Correctional facilities for youth are defined in [section 41-5-103, MCA](#).

#### Legislative Services Division Materials:

[SJ 26 \(2021\) interim study webpage](#)

#### Other Materials:

[Strategic Master Planning Report](#), July 31, 2020 -- Montana Department of Corrections

[A Comparative Evaluation of State-Operated and Contracted Men's Prisons](#) -- Legislative Audit Division

[Oversight of Crossroads Correctional Center](#) – Legislative Audit Division

[2011 Assessment](#) of possible audit of Crossroads – Legislative Audit Division

[Crossroads Correctional Center Purchase Option](#) – Legislative Fiscal Division

[Crossroads Correctional Project memo](#) – Legislative Fiscal Division

### Introduced Legislation

2021

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[House Bill No. 331](#) -- Chapter Number Assigned -- AN ACT REQUIRING ADULT AND YOUTH CORRECTIONAL FACILITIES AND PROGRAMS TO GRANT ACCESS TO A LEGISLATOR; REQUIRING CONTRACTS WITH CORRECTIONAL FACILITIES AND PROGRAMS TO SPECIFY A LEGISLATOR MAY ACCESS THE FACILITY OR PROGRAM AT ALL TIMES WITH AN EXCEPTION FOR SECURITY ISSUES; AND AMENDING SECTIONS 50-46-302 AND 53-1-202, MCA.

[Senate Bill No. 344](#) -- Chapter Number Assigned -- AN ACT ALLOWING THE DEPARTMENT OF CORRECTIONS TO REPURPOSE CORRECTIONAL FACILITIES SERVING YOUTH AND ADULT OFFENDERS; REDEFINING TERMS RELATED TO STATE YOUTH CORRECTIONAL FACILITIES AND STATE PRISONS; ALLOWING THE DEPARTMENT OF CORRECTIONS TO HOLD CERTAIN YOUTH AND ADULT OFFENDERS IN THE SAME FACILITY SUBJECT TO CERTAIN CONDITIONS; REVISING LAWS RELATED TO EXCESSIVE CAPACITY FOR CERTAIN CORRECTIONAL FACILITIES THAT HOUSE YOUTH AND THE DEPARTMENT'S DETERMINATION OF ALTERNATIVE PLACEMENTS; REQUIRING THE DEPARTMENT TO PRIORITIZE YOUTH NEEDS WHEN CONSIDERING THE USE OF A FACILITY PREVIOUSLY USED TO HOUSE YOUTH; AND AMENDING SECTIONS 19-20-101, 20-4-134, 20-4-502, 20-9-327, 41-5-103, 41-5-106, 41-5-122, 41-5-206, 41-5-208, 41-5-355, 41-5-1416, 41-5-1430, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, 41-5-1522, 41-5-1523, 41-5-2002, 41-5-2005, 45-5-214, 45-7-307, 45-8-318, 46-5-112, 46-23-102, 46-23-201, 50-5-101, 50-5-301, 52-2-302, 52-5-101, 52-5-108, 52-5-109, 52-5-110, 52-5-111, 52-5-112, 52-5-113, 52-5-114, 52-5-120, 52-5-121, 52-5-126, 52-5-128, 53-1-104, 53-1-105, 53-1-107, 53-1-109, 53-1-201, 53-1-202, 53-1-203, 53-1-207, 53-30-101, 53-30-102, 53-30-141, AND 53-30-702, MCA.

[Senate Joint Resolution No. 26](#) -- Filed with Secretary of State -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE ADEQUACY OF THE MONTANA WOMEN'S PRISON FACILITY AND PROGRAMS.

### 2019

[House Bill No. 215](#) -- (H) Died in Standing Committee -- AN ACT PROHIBITING INCARCERATION OF YOUTH IN AN ADULT PRISON; AND AMENDING SECTIONS 41-5-206 AND 46-18-201, MCA.

### 2017

[House Bill No. 332](#) -- (H) Died in Standing Committee -- AN ACT REVISING THE MAXIMUM AGE OF COMMITMENT FOR A YOUTH CORRECTIONAL FACILITY; AND AMENDING SECTIONS 41-5-1513, 41-5-1524, 52-5-101, 52-5-107, 52-5-111, AND 52-5-127, MCA.

[House Bill No. 438](#) -- (H) Died in Standing Committee -- AN ACT ALLOWING THE DEPARTMENT TO REPURPOSE CERTAIN CORRECTIONAL FACILITIES SERVING YOUTH AND ADULT OFFENDERS; REDEFINING TERMS RELATED TO STATE YOUTH CORRECTIONAL FACILITIES AND STATE PRISONS; ALLOWING THE DEPARTMENT OF CORRECTIONS TO HOLD CERTAIN YOUTH AND ADULT OFFENDERS IN THE SAME FACILITY SUBJECT TO CERTAIN CONDITIONS; REVISING LAWS RELATED TO EXCESSIVE CAPACITY FOR CERTAIN CORRECTIONAL FACILITIES THAT HOUSE YOUTH AND THE DEPARTMENT'S DETERMINATION OF ALTERNATIVE PLACEMENTS; REQUIRING THE DEPARTMENT TO PRIORITIZE YOUTH NEEDS WHEN CONSIDERING THE CURRENT USE OF A FACILITY PREVIOUSLY USED TO HOUSE YOUTH; ELIMINATING A PROHIBITION ON THE DEPARTMENT ABANDONING, MOVING, OR DISCONTINUING A CORRECTIONAL FACILITY OR STATE INSTITUTION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 19-20-101, 20-4-134, 20-4-502, 20-9-327, 41-5-

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103, 41-5-106, 41-5-121, 41-5-122, 41-5-206, 41-5-355, 41-5-1304, 41-5-1416, 41-5-1503, 41-5-1504, 41-5-1513, 41-5-1522, 41-5-1523, 41-5-2002, 41-5-2005, 45-5-214, 45-7-307, 45-8-318, 46-23-201, 52-2-302, 52-5-101, 52-5-108, 52-5-109, 52-5-110, 52-5-111, 52-5-113, 52-5-114, 52-5-121, 52-5-126, 52-5-128, 52-5-129, 53-1-107, 53-1-109, 53-1-201, 53-1-202, 53-1-203, 53-1-207, 53-30-101, 53-30-102, AND 53-30-141, MCA.

[House Bill No. 493](#) -- (H) Died in Standing Committee -- AN ACT PROHIBITING STATE USE OF PRIVATE CORRECTIONAL FACILITIES; PROVIDING A TRANSITION; REQUIRING THE DEPARTMENT OF CORRECTIONS TO PLAN FOR THE CLOSURE OF ANY EXISTING PRIVATE CORRECTIONAL FACILITIES AND TO REPORT TO CERTAIN LEGISLATIVE COMMITTEES; AMENDING SECTIONS 18-4-313, 45-2-101, 53-1-107, 53-1-109, AND 53-30-101, MCA; REPEALING SECTIONS 53-30-601, 53-30-602, 53-30-603, 53-30-604, 53-30-605, 53-30-606, 53-30-607, 53-30-608, 53-30-609, 53-30-610, AND 53-30-611, MCA; AND PROVIDING EFFECTIVE DATES.

[House Joint Resolution No. 41](#) -- (H) Died in Standing Committee -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE EXISTING DEPARTMENT OF CORRECTIONS FACILITIES AND COMMUNITY CORRECTIONS OR TREATMENT PROGRAMS TO DETERMINE BEST USES FOR EXISTING FACILITIES AND PROGRAMS AND ANY NEEDS FOR ADDITIONAL FACILITIES OR PROGRAMS.

[Senate Bill No. 61](#) -- (S) Died in Standing Committee -- AN ACT REQUIRING INPATIENT BEHAVIORAL HEALTH TREATMENT SERVICES PROVIDED WITHIN CERTAIN FACILITIES OPERATED BY OR CONTRACTING WITH THE DEPARTMENT OF CORRECTIONS TO BE LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; EXPANDING THE DEPARTMENT OF PUBLIC HEALTH AND SERVICES' RULEMAKING AUTHORITY; PROVIDING A TRANSITION; AND AMENDING SECTIONS 50-5-101, 50-5-103, AND 53-24-204, MCA.

[Senate Joint Resolution No. 3](#) -- (S) Died in Standing Committee -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EVALUATE THE OPERATION OF CROSSROADS CORRECTIONAL CENTER IN SHELBY AND THE DEPARTMENT OF CORRECTIONS' OVERSIGHT OF THE FACILITY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 66TH LEGISLATURE.

### 2015

[House Bill No 23](#) -- (H) Tabled in Committee -- AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF CORRECTIONS TO CONTRACT FOR A FORENSIC COMMUNITY CORRECTIONS FACILITY; AND PROVIDING AN EFFECTIVE DATE.

### 2013

[House Bill No. 289](#) -- (H) Died in Standing Committee -- AN ACT REQUIRING THE LAW AND JUSTICE INTERIM COMMITTEE TO STUDY STATE-OPERATED PUBLIC INSTITUTIONS SERVING INDIVIDUALS WITH MENTAL ILLNESS, INTELLECTUAL DISABILITIES, AND CHEMICAL DEPENDENCY; AND PROVIDING AN APPROPRIATION.

### 2011

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[Senate Bill No. 72](#) -- Chapter Number Assigned -- AN ACT REVISING THE AUTHORITY OF THE DEPARTMENT OF CORRECTIONS TO CONTRACT FOR COMMUNITY CORRECTIONS PROGRAMS; AND AMENDING SECTION 53-1-203, MCA.

2009

None

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