

COUNTY DETENTION CENTERS (JAILS)

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.

Background Materials and Research

Topic Summary: Although “jail” is the term often used to refer to a county facility that holds adult individuals who have been arrested and are waiting for the resolution of a criminal charge, Montana statutes use the term “detention center” instead. “Detention center” is defined in Title 7, chapter 32, part 21 (the local government law enforcement statutes), as “a facility established and maintained by an appropriate entity for the purpose of confining arrested persons or persons sentenced to the detention center.” Detention centers also hold individuals who have been sentenced by a court and are to be transferred to a state or other facility to serve their sentences. An appropriate entity is typically a county governing body or group of governing bodies that either establish and operate or contract for the operation of a detention center, though a municipal authority may also establish a detention center.

Legislative Services Division Materials:

[SJ 25: Montana Detention Standards and Segregated Housing](#), Legislative Services Division, Nov. 2017

[SB 303: Study of Inmate Telecommunications Contracts and Costs](#), Legislative Services Division

Other Materials:

[Montana Detention Standards, 2016 update](#), Montana Association of Counties and Montana Sheriffs and Peace Officers Association

[Peer Review Materials](#), March 2018, Montana Sheriffs and Peace Officers Association

Introduced Legislation

2021

[House Bill No. 584](#) -- Died in Committee (H) -- 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 REQUIREMENTS FOR ACCOUNT OF COST CALCULATIONS; AMENDING SECTIONS 7-32-2241, 7-32-2242, AND 53-30-106, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 303](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO TELECOMMUNICATIONS CONTRACTS THAT PROVIDE SERVICES FOR STATE INMATES; REQUIRING AN INTERIM STUDY OF TELECOMMUNICATIONS CONTRACTS, FEES, AND COMMISSARY COSTS; REQUIRING A PERFORMANCE AUDIT OF THE INMATE WELFARE FUND; PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

2019

[House Bill No. 361](#) -- Died in Standing Committee (H) -- AN ACT GENERALLY REVISING LAWS RELATED TO TELEPHONE ACCOUNT REQUIREMENTS FOR STATE PRISONS AND COUNTY DETENTION CENTERS THAT HOLD STATE INMATES; PROHIBITING CONTRACTS THAT CONTAIN CERTAIN TYPES OF FEES OR SURCHARGES; REVISING WHEN ROLLOVER MINUTES MUST BE ALLOWED; REVISING WHAT TYPES OF CALLS ARE SUBJECT TO THE LIMIT ON FEES; LOWERING THE ALLOWABLE COST FOR CALLS; REQUIRING ANY COMMISSION OR BONUS IN A CONTRACT TO BE PLACED IN THE PRISON INMATE WELFARE ACCOUNT; REQUIRING AN AUDIT; REQUIRING A PRISON ADMINISTRATOR TO CONSULT MONTHLY WITH INMATES ABOUT RECEIPTS AND USE OF INMATE WELFARE FUND; REQUIRING THAT AN INMATE IS ALLOWED FREE CALLS TO THE INMATE'S ATTORNEY; PROHIBITING A CALL TO AN INMATE'S ATTORNEY FROM BEING RECORDED OR MONITORED; REDUCING THE PER DIEM RATE FOR CERTAIN FACILITIES THAT ARE OUT OF COMPLIANCE WITH TELEPHONE CONTRACT REQUIREMENTS; REVISING THE DEFINITION OF "STATE PRISON" TO INCLUDE A COUNTY DETENTION CENTER THAT HOLDS STATE INMATES; SUPERSEDING THE UNFUNDED MANDATE LAWS; AMENDING SECTIONS 53-30-102 AND 53-30-153, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill No. 375](#) -- Died in Standing Committee (H) -- AN ACT ESTABLISHING INCARCERATION STANDARDS FOR PREGNANT WOMEN IN DETENTION CENTERS AND STATE PRISONS; REQUIRING A PREGNANCY TEST TO BE OFFERED TO FEMALE INMATES ON ADMISSION; REQUIRING ACCESS TO CERTAIN PRENATAL CARE, HEALTH CARE, AND MENTAL HEALTH CARE; REQUIRING TREATMENT FOR OPIOID ABUSE IF REQUESTED BY A PREGNANT INMATE; LIMITING THE USE OF RESTRAINTS ON A PREGNANT OR POSTPARTUM INMATE; LIMITING WHEN A PREGNANT OR POSTPARTUM INMATE MAY BE HELD IN AN ISOLATED HOUSING ASSIGNMENT; REQUIRING DETENTION CENTERS AND STATE PRISONS TO ADOPT CERTAIN POLICIES OR PROCEDURES; AND REQUIRING CERTAIN ACTIONS TO BE DOCUMENTED IN THE INMATE'S FILE.

[House Bill No. 746](#) -- Died in Standing Committee (H) -- AN ACT REVISING LAWS RELATED TO PREPAID CARDS FOR INMATE RELEASE FUNDS; ESTABLISHING REQUIREMENTS FOR THE DISBURSEMENT OF FUNDS TO AN INMATE RELEASED FROM A COUNTY DETENTION CENTER OR A STATE PRISON; PROHIBITING CERTAIN FEES FROM BEING CHARGED TO THE INMATE; PROVIDING THAT A VIOLATION IS AN UNFAIR TRADE PRACTICE; CREATING A PRIVATE RIGHT OF ACTION; AND PROVIDING DEFINITIONS.

2017

[House Bill No. 230](#) -- (H) Died in Standing Committee -- 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 REQUIREMENTS FOR ACCOUNTING OF COST CALCULATIONS; PROVIDING DEFINITIONS; AMENDING SECTIONS 7-32-2241, 7-32-2242, AND 53-30-106, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 258](#) -- Chapter Number Assigned -- AN ACT REQUIRING A DETENTION CENTER ADMINISTRATOR TO ALLOW AN INMATE TO SPEAK ON THE TELEPHONE WITH THE INMATE'S ATTORNEY WITHOUT CHARGE.

2015 and 2013 -- None

2011

[Senate Bill No. 17](#) -- (S) Died in Standing Committee -- AN ACT PROVIDING THAT DETENTION CENTERS MAY BE ADMINISTERED ONLY BY A SHERIFF, A CHIEF OF POLICE, AN ADMINISTRATOR OPERATING A PRIVATE DETENTION CENTER, OR THE DEPARTMENT OF CORRECTIONS; AND AMENDING SECTIONS 7-32-2120, 7-32-2121, 7-32-2201, 7-32-2204, AND 7-32-2241, MCA.

[Senate Bill No. 18](#) -- (S) Died in Standing Committee -- AN ACT PROVIDING THAT THE SHERIFF OF THE COUNTY IN WHICH A DETENTION CENTER, OTHER THAN A PRIVATE DETENTION CENTER, IS LOCATED HAS SOLE AUTHORITY TO HIRE AND FIRE DETENTION STAFF; AMENDING SECTIONS 7-8-2231, 7-32-2123, 7-32-2201, 7-32-2204, AND 7-32-2234, MCA; AND PROVIDING AN EFFECTIVE DATE.

2009

[House Bill No. 272](#) -- (H) Died in Standing Committee -- AN ACT GENERALLY REVISING COSTS RELATED TO A COUNTY SHERIFF'S OFFICE; AUTHORIZING PAYMENT TO A DETENTION CENTER STAFF MEMBER WHO IS INJURED IN THE PERFORMANCE OF DUTIES; AND AMENDING SECTIONS 7-32-2113 AND 7-32-2114, MCA.

[House Bill No. 276](#) -- (H) Died in Standing Committee -- AN ACT ESTABLISHING LIABILITY FOR MEDICAL COSTS INCURRED BY PERSONS IN INTERACTION WITH LAW ENFORCEMENT; PROVIDING A STATUTORY APPROPRIATION TO PAY FOR A PORTION OF PREDETENTION MEDICAL COSTS; REVISING THE METHOD FOR DETERMINING THE RATE OF REIMBURSEMENT FOR MEDICAL COSTS INCURRED BY PERSONS IN DETENTION; AMENDING SECTIONS 7-32-2245 AND 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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November 5, 2022