_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: “AN ACT REVISING PAYMENT OF COSTS FOR USE OF A DETENTION CENTER; REQUIRING THE ARRESTING AGENCY, THE DEPARTMENT OF CORRECTIONS, AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PAY THE ACTUAL COSTS PLUS 10% OF HOLDING A PERSON IN CONFINEMENT IN A DETENTION CENTER UNDER CERTAIN CIRCUMSTANCES; REVISING THE DEFINITION OF "ACTUAL COSTS"; AND AMENDING SECTION 7-32-2242, MCA.”

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 plus 10% of holding the person in confinement must be paid by the arresting agency 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~~ for paying the actual costs plus 10% for defendants following the pronouncement of sentence pursuant to 46-19-101.

(d) The department of public health and human services is responsible for paying the actual costs plus 10% of holding in confinement in a detention center a person who has been committed to the custody of the director of public health and human services and is awaiting placement in an appropriate facility pursuant to 46-14-221, 46-14-301, 46-14-302, 46-14-304, 46-14-312, or 46-19-101.

~~(d)~~ (e) 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 on presentation of a claim to the arresting agency or the department of public health and human services pursuant to subsection (2)(d).

~~(e)~~ (f) For the 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~~ means the costs of housing an inmate as documented by the detention center in which the inmate is held.

(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."

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