

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

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

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.