

## SENATE BILL NO. 18

INTRODUCED BY J. SHOCKLEY

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE SHERIFF OF THE COUNTY IN WHICH A  
5 DETENTION CENTER, OTHER THAN A PRIVATE DETENTION CENTER, IS LOCATED HAS SOLE  
6 AUTHORITY TO HIRE AND FIRE DETENTION STAFF; AMENDING SECTIONS 7-8-2231, 7-32-2123,  
7 7-32-2201, 7-32-2204, AND 7-32-2234, MCA; AND PROVIDING AN EFFECTIVE DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 7-8-2231, MCA, is amended to read:  
12 **"7-8-2231. Authorization to lease county property.** (1) The board of county commissioners has  
13 jurisdiction and power, under limitations and restrictions that are prescribed by law, to lease and transfer county  
14 property, however acquired, that is not necessary to the conduct of the county's business or the preservation of  
15 county property and for which immediate sale cannot be had. The leases must be made in a manner and for  
16 purposes that, in the judgment of the board, are best suited to advance the public benefit and welfare.

17 (2) Except as provided in 7-8-2233 and 7-32-2201~~(5)~~(1)(e):  
18 (a) all property must be leased subject to sale by the board; and  
19 (b) a lease may not be for a period to exceed 10 years."

20  
21 **Section 2.** Section 7-32-2123, MCA, is amended to read:  
22 **"7-32-2123. Appointment of detention center staff.** A sheriff ~~who operates a detention center under~~  
23 ~~7-32-2124~~ may appoint deputy sheriffs or nonsworn individuals as detention center staff. A nonsworn individual  
24 appointed to the detention center staff need not receive the same salary as a deputy sheriff."

25  
26 **Section 3.** Section 7-32-2201, MCA, is amended to read:  
27 **"7-32-2201. Establishing detention center -- detention center contract -- regional detention center**  
28 **-- authority for county to lease its property for detention center.** (1) For the confinement of lawfully committed  
29 persons, the governing body of a county may participate in or undertake one or more of the following:

30 ~~(+)~~(a) A detention center may be built or provided and kept in good repair at the expense of the county

1 in each county, except that whenever in the discretion of the governing body of two or more local governments  
 2 it is necessary or desirable to build, provide, or use a multijurisdictional detention center, they may do so in any  
 3 of the jurisdictions concerned. The multijurisdictional detention center must be built or provided and kept in good  
 4 repair at the expense of the local governments concerned on a basis as the governing bodies agree.

5 ~~(2)(b)~~ A county or two or more local governments acting together may provide for the detention center  
 6 allowed by subsection (1)(a) by:

7 ~~(a)(i)~~ establishing in the county government the position of detention center administrator and hiring a  
 8 person, ~~who is answerable to the governing body of the county,~~ to fill the position, subject to the provisions of  
 9 subsection (2), or appointing the sheriff as detention center administrator; or

10 ~~(b)(ii)~~ entering into an agreement with a private party under which the private party will provide, maintain,  
 11 or operate the detention center.

12 ~~(3)(c)~~ The detention centers in this state are kept by the detention center administrators of the local  
 13 governments in which they are situated, subject to the provisions of subsection (2). In the case of a  
 14 multijurisdictional detention center as provided in subsection (1)(a), the detention center must be kept by the local  
 15 governments using the detention center on a basis as the governing bodies agree.

16 ~~(4)(d)~~ The board of county commissioners has jurisdiction and power, under limitations and restrictions  
 17 that are prescribed by law, to cause a detention center to be erected, furnished, maintained, and operated,  
 18 subject to the provisions of subsection (2). The costs must be paid for out of the county treasury.

19 ~~(5)(e)~~ The board of county commissioners has the power to lease to any person or entity any real or  
 20 personal property of the county necessary or appropriate for use as a detention center. A lease entered into under  
 21 this section must be for a period not to exceed 30 years and may not be limited by 7-8-2231.

22 ~~(6)(f)~~ A county or two or more local governments acting together may enter into a lease-purchase  
 23 agreement with a person or entity for a period not to exceed 20 years for the construction, furnishing, and  
 24 purchasing of a detention center.

25 (2) The sheriff of a county in which a detention center, other than a private detention center, is located  
 26 has sole discretion to hire and fire detention center staff, as defined in 7-32-2120 and 7-32-2241."  
 27

28 **Section 4.** Section 7-32-2204, MCA, is amended to read:

29 **"7-32-2204. Maintenance of detention center.** The county commissioners, or the private party when  
 30 provided in an agreement entered into under 7-32-2201~~(2)~~(1)(b), have the duty of building, operating, inspecting,

1 and repairing the detention center and must take all necessary precautions against escape, sickness, or  
2 infection."

3

4 **Section 5.** Section 7-32-2234, MCA, is amended to read:

5 **"7-32-2234. Powers of private detention center administrators.** ~~A detention center~~ An administrator  
6 of a private detention center is responsible for the immediate management and control of the detention center  
7 subject to general policies and programs established pursuant to the agreement provided for in  
8 7-32-2201~~(2)~~(1)(b), and any applicable interlocal agreement. The powers of an administrator and detention center  
9 personnel employed under the administrator's authority include control over inmates:

- 10 (1) within the confines and grounds of the detention center; and
- 11 (2) outside the detention center confines and grounds while transporting any inmate or in the hot pursuit  
12 or apprehension of any escapee."

13

14 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2011.

15

- END -