

CORRECTIONAL FACILITIES - Authority of a multijurisdictional detention center to house inmates committed to an out-of-state correctional facility;

CORRECTIONS, DEPARTMENT OF - Authority of the Department to determine whether convicted offenders from out of state may be housed at a multijurisdictional detention center;

FELONS - Authority of a multijurisdictional detention center to contract for the confinement of out-of-state felons;

LOCAL GOVERNMENT - Authority of a multijurisdictional detention center to house inmates committed to an out-of-state correctional facility;

PRISONERS - Authority of a multijurisdictional detention center to house inmates committed to an out-of-state correctional facility;

ADMINISTRATIVE RULES OF MONTANA (2007) - Sections 20.27.101 to 20.27.261; 20.28.155;

MONTANA CODE ANNOTATED - Title 53, chapter 30, parts 3, 5; Title 49, chapter 19, parts 3, 4; Title 46 chapter 19, part 3; Title 7, chapter 32, part 22; Title 7, chapter 11, part 1; sections 1-2-102, 7-32-2201, (1), (2)(b), (4), -2202(1), -2203, (1), (2), (3), (4), (5), -2206, -2234, -2241(2), (6), -2242, (1), -2243, (1), (2), (3), 46-18-201(3)(c), 46-19-402, 53-1-203, 53-30-101, -106, (2), -504, (10), -507, -603, (3), -604 to -607;

MONTANA CODE ANNOTATED (2003) - Section 53-30-603(3);

MONTANA CODE ANNOTATED (1999) - Section 53-503(6), -504(10);

MONTANA CODE ANNOTATED (1997) - Title 53, chapter 30, part 6; sections 53-30-504, (8), -603(2);

MONTANA CODE ANNOTATED (1995) - Title 53, chapter 30, part 5; sections 53-30-502, -503(6);

MONTANA CODE ANNOTATED (1993) - Title 53, chapter 30, part 4;

MONTANA CODE ANNOTATED (1991) - Title 53, chapter 20, part 3; section 53-30-101(2);

MONTANA CODE ANNOTATED (1989) - Title 7, chapter 11, part 1; sections 7-32-2203, (5), -2242, (1), (2), (3), -2243, (1), (2);

MONTANA CODE ANNOTATED (1987) - Section 7-32-2201;

MONTANA CODE ANNOTATED (1979) - Section 7-32-2203, -2206;

MONTANA LAWS OF 1989 - Chapter 561, section 15;

OPINIONS OF THE ATTORNEY GENERAL - 51 Op. Att'y Gen. No. 15 (2006).

Ms. Rebecca A. Convery

December 3, 2007

Page 2

HELD: A multijurisdictional detention center may contract for the confinement of out-of-state and federal inmates only for the purposes authorized by Mont. Code Ann. § 7-32-2203, which do not include confinement of adult felony and misdemeanor offenders who are committed by an out-of-state jurisdiction or the federal government. That authority has been reserved to the Department of Corrections, under narrow circumstances only, which evidences a legislative intent not to allow routine interstate exchange of inmates in and out of Montana.

December 3, 2007

Ms. Rebecca A. Convery
Hardin City Attorney
406 North Cheyenne Avenue
Hardin, MT 59034

Dear Ms. Convery:

[P1] You have requested my opinion on the following two questions:

1. Does the Montana Department of Corrections have jurisdiction to determine whether convicted offenders from out-of-state law enforcement and correctional agencies may be housed at a multijurisdictional detention center created pursuant to Mont. Code Ann. § 7-32-2201?
2. May a multijurisdictional detention center located in Montana contract for the confinement of adult felony and misdemeanor offenders who are lawfully convicted by an out-of-state jurisdiction or the federal government to confinement in a detention center located in either jurisdiction?

[P2] According to the information provided, the City of Hardin, by and through its lawfully established port authority, Two Rivers Authority, and the City of Lodge Grass, have entered into an interlocal agreement to operate a multijurisdictional detention center in Hardin. Such an agreement is authorized by Mont. Code Ann. § 7-32-2201(1). Pursuant to subsection (2)(b) of that statute, the parties have contracted with a private party to operate the detention center.

[P3] The detention center is known as the Two Rivers Detention Center (the “facility”). Construction is now complete, and the facility is ready for occupancy. The parties intend that the facility be used by the Montana Department of Corrections (the “Department”), federal agencies such as the United States Border Patrol, the U.S. Marshals Service, the Bureau of Immigration and Customs Enforcement, the City of Hardin, the City of Lodge Grass, Big Horn County, and other political subdivisions of the State, as well as government units from out of state that wish to confine inmates or detainees in the facility. Your questions are presumably motivated by the intention to contract with other states, as well as the federal government, for the confinement of adult felony or misdemeanor offenders committed by another state jurisdiction or the federal government.¹ The Department has opined that the facility has no authority to do so.

[P4] The answer to your questions requires consideration of the statutes governing detention centers, as well as the statutes governing other correctional facilities in Title 53, chapter 30. Detention centers are addressed in Title 7 (local government), chapter 32 (law enforcement). All other correctional facilities and programs are addressed in Title 53 (social services and institutions), chapter 30 (corrections). These include community corrections programs and facilities, boot camp, regional correctional facilities, and private correctional facilities.

I. Correctional Facilities and Programs in Title 53, Chapter 30

[P5] The state prison in Deer Lodge is the historically recognized correctional facility for adult felony offenders in Montana. Mont. Code Ann. § 53-30-101. Over the years, the Legislature has authorized additional facilities and programs as needed. For example, a state prison for adult female offenders was added in 1991. Mont. Code Ann. § 53-30-101(2) (1991). Also in 1991, the Legislature authorized the adult community corrections program in Montana Code Annotated Title 53, chapter 30, part 3. The boot camp incarceration program was added the following session. Title 53, chapter 30, part 4 (1993).

[P6] In 1995, the Legislature enacted the Regional Correctional Facility Act, presumably in response to the need for additional prison space. Mont. Code Ann. tit. 53, ch. 30, pt. 5

¹ Use of the facility to confine misdemeanor offenders sentenced to imprisonment therein is authorized in Mont. Code Ann. § 7-32-2203(4). Also, use of the facility to confine adult offenders sentenced to the state prison is also specifically authorized in Mont. Code Ann. § 7-32-2203(5). The pertinent question is whether the facility may be used to confine adult offenders who are sentenced to out-of-state correctional facilities, including federal prisons.

(1995). The purpose of the Act is to “provide a method by which the state and local governments can make the most efficient use of their powers and resources by enabling them to cooperate to fulfill their respective responsibilities of providing services and facilities for the incarceration and rehabilitation of criminal offenders at regional correctional facilities.” Mont. Code Ann. § 53-30-502 (1995).

[P7] A “regional correctional facility” is defined as “a correctional facility, except the Montana state prison, the women’s correctional system, or the Swan River boot camp, designed, constructed or operated under this part by a local governmental entity or the department, or both, for the housing of convicted felons.” In 1999, this definition was amended to read that a “[r]egional correctional facility means a facility for the housing of persons charged with or convicted of a criminal offense that is a joint detention center and correctional facility and that is designed, constructed, or operated under this part by a local government entity, a corporation, the department, or any combination of a local government entity, a corporation, and the department.” Mont. Code Ann. § 53-30-503(6) (1999). Currently there are two regional correctional facilities in Montana, one in Great Falls and one in Glendive. In accordance with Mont. Code Ann. § 53-30-504, the Department may utilize the “state correctional portion” of these facilities to house inmates sentenced to the Department or its correctional facilities. The Department is given rulemaking authority over regional correctional facilities, including siting of the facilities. Mont. Code Ann. § 53-30-507. In addition, the Department must adopt rules governing the construction, operation and physical condition of the state correctional portion of the facility, and must ensure that such facilities that are privately owned comply with federal and American Correctional Association (ACA) health care standards. *Id.*; Mont. Admin. R. 20.17.101 to 20.27.261 (2007).

[P8] When originally enacted, the Regional Correctional Facility Act did not mention out-of-state or federal inmates. In 1997, the Legislature amended section 53-30-504 (granting the Department authority to contract for detention center services) to include a new subsection (8), which does mention out-of-state inmates: “A person convicted in another state may not be confined in the state portion of a regional correctional facility in this state unless the confinement is under and governed by Title 46, chapter 19, part 3 or 4 [the Interstate Compact Provisions].” This provision was subsequently amended to read:

A regional correctional facility may house persons who are charged or convicted in this state, another state, or federal court in the detention center portion of a regional correctional facility. A person charged or convicted in another state or charged or convicted in federal court in another state may not be confined in a state correctional facility portion of a regional

correctional facility in this state unless the confinement is under and governed by Title 46, chapter, 19, part 3 or 4, and the department authorizes the placement of the person in the state correctional portion of the regional correctional facility.

Mont. Code Ann. § 53-30-504(10) (1999). Thus, persons convicted in other jurisdictions may be confined in a regional correctional facility, but only under those circumstances described in Mont. Code Ann. § 53-30-504.

[P9] Also in 1997, the Legislature authorized the construction of private correctional facilities. Mont. Code Ann. tit. 53, ch. 30, pt. 6 (1997). Such facilities are designed, constructed, and licensed under strict standards set by the Department. Mont. Code Ann. § 53-30-604 to -607; Mont. Admin. R. 20.28.155 (2007). When private correctional facilities were first authorized, the Legislature allowed their use for housing out-of-state inmates brought into Montana pursuant to an Interstate Compact agreement. Mont. Code Ann. § 53-30-603(2) (1997). Two years later, however, the Legislature amended Mont. Code Ann. § 53-30-603 to strictly forbid out-of-state or federal inmates in private correctional facilities. This continued until 2003, when the Legislature once again authorized the use of private correctional facilities to house out-of-state and federal inmates upon approval by the Department of a written agreement between the originating jurisdiction and the private correctional facility. Mont. Code Ann. § 53-30-603(3) (2003). In all cases, however, the Legislature mandated that out-of-state and federal inmates be physically separated from Montana inmates. There is one private correctional facility in Montana: Crossroads Correctional Center in Shelby, Montana.

[P10] The Department retains ultimate control over the interstate movement of inmates in all facilities described in Title 53, chapter 30. For example, the Department has the authority to declare when the inmate population of a correctional institution or system has been exceeded, and to contract with other state, local and federal authorities for the confinement of Montana inmates in that instance, or when the Department has no institution that is adequate for certain inmates. Mont. Code Ann. § 53-30-106. The Department is the only entity statutorily authorized to engage in the interstate exchange of felony offenders under the Interstate Corrections Compact, Title 46 chapter 19. Mont. Code Ann. § 46-19-402. Similarly, the State of Montana is a party to the Western Interstate Corrections Compact described in Title 49, chapter 19, part 3, which allows for the movement of inmates in the western states. No other government entity or correctional facility or program described in Title 53, chapter 30, is authorized to contract to bring prisoners into this State for any purpose. Currently there are some 30 out-of-state inmates in Montana, and a comparable number of Montana felons are housed out of state under interstate compacts.

[P11] The Department maintains a complex system of classification to determine the proper placement of inmates in the correctional facilities mentioned above. While the facility may make individual placement determinations within its confines (subject to any rules of segregation imposed by law, as in Mont. Code Ann. § 53-30-504(10)), the Department is ultimately responsible for making placement decisions concerning Montana's inmates, taking into account the safety, security, treatment and rehabilitation needs of the inmates, as well as facility characteristics. See Mont. Code Ann. § 53-1-203; § 46-18-201(3)(c).

II. Title 7, Chapter 32, Part 22: Detention Centers

[P12] As noted, a detention center is the only correctional facility in Montana that is not specifically addressed in Title 53, chapter 30. This is likely because detention centers were historically referred to as "county jails," which explains their provisions in the local government section of the Montana code. See Mont. Code Ann. § 7-32-2201 (1987). The change in terminology occurred in 1989, when the Legislature replaced the term "county jail" with "detention center." 1989 Mont. Laws, ch. 561, § 15. The 1989 amendments did not affect the general operation of these facilities, and they remain under the management and authority of the local governing body and/or the detention center administrator. See Mont. Code Ann. § 7-32-2234 (placing the immediate management and control of the facility within the authority of the administrator, who is hired by the county); accord, Mont. Code Ann. § 7-32-2201(4) (granting the board of county commissioners jurisdiction and power to cause a detention center to be erected, furnished, maintained and operated).

[P13] A "detention center" is defined as a facility established and maintained by an appropriate entity for the purpose of confining arrested persons or persons sentenced to the detention center. Mont. Code Ann. § 7-32-2241(2). Similarly, a "multijurisdictional detention center" is defined as a facility established and maintained by two or more local governments for the confinement of persons arrested or sentenced to confinement or a local detention center contracting to confine persons arrested or sentenced in other local governments. Mont. Code Ann. § 7-32-2241(6). The latter situation would occur, for example, when a contiguous county has no detention center, in which case the Legislature has authorized the use of a detention center in a contiguous county for the confinement of inmates. Mont. Code Ann. § 7-32-2202(1).

[P14] County jails and detention centers were historically used on a short-term basis to detain or confine (1) persons committed in order to secure their attendance as witnesses at trial; (2) persons charged with a crime and committed for trial; (3) persons committed for contempt or upon civil process; or (4) persons sentenced to imprisonment therein upon

conviction of a crime (misdemeanor offenders). Mont. Code Ann. § 7-32-2203 (1979). In 1989, the Legislature amended section 7-32-2203 to expand use of a detention center “for the confinement of persons sentenced to the state prison, as agreed upon by the state and the administrator in charge of the detention center.” Mont. Code Ann. § 7-32-2203(5) (1989). This was the first time the Legislature authorized use of a detention center for longer term confinement of felons. While Mont. Code Ann. § 7-32-2206 (1979) authorized the confinement of federal prisoners and assigned costs to the federal agency, that statute does not purport to supercede Mont. Code Ann. § 7-32-2203, limiting the use of the facility for short-term purposes.

[P15] In any event, the Legislature repealed Mont. Code Ann. § 7-32-2206 in 1989 and enacted Mont. Code Ann. § 7-32-2242 to address the payment of costs by users of the facility. Subsection (1) of Mont. Code Ann. § 7-32-2242 provides that when the detention center is utilized by other local state or federal agencies “for the confinement of arrested persons and the punishment of offenders,” payment of the cost for those services is set forth in Mont. Code Ann. § 7-32-2242. Subsection (2) places the primary responsibility for costs on “the arresting agency.” There is no mention of costs for the confinement of out-of-state felons. The only reference to persons from out-of-state appears in subsection (3), which addresses “fugitives from justice from an out-of-state jurisdiction.” In that circumstance, the expense of holding the person in a detention center “pending extradition” must be paid by the out-of-state jurisdiction.

[P16] Also in 1989, the Legislature enacted Mont. Code Ann. § 7-32-2243, which requires that all contracts for detention services between state or local government units, the state of Montana, or the federal government are to be made pursuant to the Interlocal Cooperation Act, Title 7, chapter 11, part 1. Mont. Code Ann. § 7-32-2243(1). Subsection (2) of that statute authorizes a government unit responsible for the detention center (in this case, the Two Rivers Authority), to contract with a government unit of another state for the confinement of lawfully committed inmates in a detention center located in either jurisdiction. While subsection (2) appears to allow the housing of lawfully committed felons from other jurisdictions, I note that out-of-state felons are not among those persons listed in § 7-32-2203 who may be confined in a detention center.

[P17] Currently, the list of persons who may be confined in the detention center is found in Mont. Code Ann. § 7-32-2203:

Who may be confined in a detention center. Detention centers are used as follows:

(1) for the detention of persons committed in order to secure their attendance as witnesses in criminal trials;

(2) for the detention of persons charged with crime and committed for trial;

(3) for the confinement of persons committed for contempt or upon civil process or by other authority of law;

(4) for the confinement of persons sentenced to imprisonment therein upon conviction of a crime;

(5) for the confinement of persons sentenced to the state prison, as agreed upon by the state and the administrator in charge of the detention center.

[P18] Notably absent from this list is the use of a detention center to confine persons committed to imprisonment in another jurisdiction for the purpose of serving their sentences imposed in that other jurisdiction. While subsections (1), (2), and (3) could apply to persons from out of state, the commitment would be only for the purposes described therein (e.g., securing the person's attendance as a witness in a criminal trial; detaining persons charged with a crime and committed for trial; or confining persons committed for contempt). This is consistent with the cost provisions in Mont. Code Ann. § 7-32-2242, which place the responsibility for payment on the "arresting agency."

[P19] Subsection (4) of Mont. Code Ann. § 7-32-2203 clearly addresses those persons directly committed to the facility, i.e., misdemeanor offenders, and would not include out-of-state convicted felons. Subsection (5) authorizes the confinement of persons sentenced to the state prison, meaning the Montana state prison as that term is defined in Mont. Code Ann. § 53-30-101, supra. It does not authorize use of the facility for adult offenders sentenced to confinement in other states.

III. Discussion

[P20] In response to your first question, these statutes make clear that the Department has no "jurisdiction" over the establishment, operation, or maintenance of a facility such as the Two Rivers Detention Center. The Department's only connection to the facility is by way of Mont. Code Ann. § 53-30-106(2), which allows the Department to contract with the commissioners of counties that have suitable detention centers, and Mont. Code Ann. § 7-32-2203(5), which authorizes use of the facility "for the confinement of persons sentenced to the state prison, as agreed upon by the state and the administrator in charge of the detention center."

[P21] That said, however, I believe that the answer to your ultimate question--whether the facility may house out-of-state or federal adult felony offenders--does not depend on the Department's jurisdiction, but rather, on the intent of the legislature relative to

Montana's overall correctional scheme, as evidenced in the history of the relevant statutes.

[P22] Prior to 1989, the only correctional facility available for the long-term confinement of adult felony offenders was the state prison in Deer Lodge. There was no interstate movement of inmates unless prison population was exceeded, or an interstate compact was negotiated. As prison population expanded, the Legislature authorized additional facilities for convicted felons within the state, including regional and private correctional facilities. As the above statutes demonstrate, the comingling of Montana and out-of-state or federal prisoners in these facilities is strictly regulated, with ultimate oversight by the Department.

[P23] While the state prison housed felons, the county jails housed misdemeanor offenders and other persons on a short-term basis as set forth in Mont. Code Ann. § 7-32-2203. The statutes also allowed use of a county jail facility for federal prisoners, with costs to be borne by the federal government, but presumably only for the purposes outlined in Mont. Code Ann. § 7-32-2203. There is no indication that the Legislature intended county jails for anything but short-term confinement of offenders or other persons described in Mont. Code Ann. § 7-32-2203.

[P24] In 1989, the Legislature adopted Senate Bill 452, which expanded the traditional uses of a county jail (renamed a detention center) to include the confinement of persons sentenced to the state prison. Mont. Code Ann. § 7-32-2203(5). This was the first time the Legislature authorized the long-term confinement of convicted felons in a facility other than the state prison, presumably because the need was there. There was no mention in the hearings on Senate Bill 452 of expanding use of a county jail to include long-term confinement of out-of-state or federally convicted felons. Clearly the Legislature was concerned with providing space for Montana's inmates, not bringing in a new population of out-of-state offenders.

[P25] While the Legislature added two provisions in 1989 that mention use of detention centers by other government entities, including local, state and federal law enforcement and correctional agencies, the clear intent of Mont. Code Ann. § 7-32-2242 is to address the payment of costs for persons housed from other jurisdictions. Similarly, the clear intent of § 7-32-2243(1) is to require that contracts between these entities comply with the Interlocal Cooperation Act. There is no indication that the Legislature was significantly expanding the traditional use of county jail/detention centers to include long-term confinement of out-of-state or federal felons when it assigned costs or contract obligations. Although subsection (2) of Mont. Code Ann. § 7-32-2243 authorizes a detention center "to contract with a government unit of another state for the confinement

of lawfully committed inmates,” the meaning of this subsection is ambiguous given the restricted uses of the facility in Mont. Code Ann. § 7-32-2203. Generally, the plain and unambiguous language of a statute controls. Stop Over Spending Montana v. State, 2006 MT 178, ¶ 62, 333 Mont. 42, 139 P.3d 788. While the plain language of § 7-32-2243(2) grants contracting authority, the extent of that authority is unclear, particularly in light of § 7-32-2203. Given this ambiguity, it is appropriate to consider legislative intent and other means of statutory construction. Id.

[P26] The rules of statutory construction dictate that specific statutory provisions control over more general statutes, and that the Legislature is presumed not to pass meaningless legislation. See Montanans for Equal Application of Initiative Laws v. State ex rel. Johnson, 2007 MT 75, ¶ 74, 336 Mont. 450, 154 P.3d 1202; Oster v. Valley County, 2006 MT 180, ¶ 17, 336 Mont. 76, 140 P.3d 1079. In this case, Mont. Code Ann. § 7-32-2203 is the more specific statute, since it deals particularly with the question of what inmates may be housed in a detention center, compared to the more general discussion in § 7-32-2243(2) of contracts. The specifications in § 7-32-2243 would be rendered meaningless if local governments were free to add new categories of allowable prisoners at will.

[P27] In the construction of a statute, the intent of the Legislature must be pursued, if at all possible. 51 Op. Att’y Gen. No. 15 (2006), citing Mont. Code Ann. § 1-2-102. Therefore, while the language of Mont. Code Ann. § 7-32-2243 allows a government unit responsible for a detention center to “contract with a government unit of another state for the confinement of lawfully committed inmates in a detention center located in either jurisdiction,” that statute must be read in conjunction with Mont. Code Ann. § 7-32-2203, and also with the overall intent of the Legislature regarding Montana’s correctional system. Section 7-32-2203 of the Montana Code Annotated specifies who may be confined in a detention center, and does not authorize the long-term confinement of out-of-state or federal inmates for purposes of serving a felony sentence imposed in another jurisdiction. The rules of statutory construction require that statute relating to the same subject matter be harmonized, as there is a presumption that the Legislature would not have passed legislation that has no meaning or purpose. Oster v. Valley County, *supra*, 2006 MT 180, ¶ 17.

[P28] In summary, there is nothing granting independent authority to a detention center to contract freely with out-of-state or federal authorities for long-term confinement of inmates convicted in other jurisdictions. The Legislature clearly intended to limit the authority of any correctional facility or governmental entity, other than the State through the Department of Corrections, to contract for the placement of Montana inmates out-of-state, or to receive offenders from other jurisdictions. This is evidenced by the interstate

corrections compact provisions, the restrictions on placement of out-of-state inmates in regional and private correctional facilities, and the Department's exclusive role in determining when inmate capacity is exceeded and how best to deal with that problem.

[P29] The fact that detention centers are governed by provisions in Title 7, pertaining to local government, as opposed to Title 53, does not grant the facility absolute autonomy over decisions relating to inmate population. Rather, that fact simply reflects the historical use of these facilities as county jails. The statutorily authorized uses in Mont. Code Ann. § 7-32-2203 are consistent with those of a "county jail," and nothing therein allows the facility to house out-of-state inmates. When the Legislature added subsection (5) in 1989 to allow Montana convicted felons into these facilities for the first time, there was no discussion of expanding traditional uses to include out-of-state and federally convicted felons. Such a change would completely transform the nature of the facility from a county jail to a regional correctional facility, without any of the restrictions imposed on those facilities. Had the Legislature intended such a result, it presumably would have addressed the issue of out-of-state inmate populations mixing with Montana inmates, as it did with regional correctional facilities. Moreover, if the facility enjoyed the level of autonomy you describe, it could feasibly fill to capacity with out-of-state offenders and no longer be available to the Department for placement of Montana offenders pursuant to Mont. Code Ann. § 53-30-106.

[P30] In short, convicted felons enter Montana to serve sentences imposed in other jurisdictions in only two ways: (1) when the Department has approved the exchange under the Interstate Corrections Compact or the Western States Interstate Compact, or (2) by written agreement between a private correctional facility and the originating jurisdiction, and approved by the Department. Inmates leave Montana only when the capacity of Montana's correctional facilities have been exceeded, or when the services are inadequate for an inmate's particular needs (i.e., when the inmate needs medical attention that Montana cannot provide), and the Department contracts with other jurisdictions to provide those services. The Legislature has not authorized any facility or other unit of government to engage in the interstate transport of convicted felons, for the reasons discussed above.

[P31] Thus, the only federal or out-of-state inmates allowed by Mont. Code Ann. § 7-32-2203 would be those whose confinement is authorized by subsections (1) to (3) (persons committed in order to secure their attendance as witnesses in criminal trial; persons charged with crime and committed for trial; and persons committed for contempt or upon civil process or by other authority of law). The duration of these confinements would presumably be short-term, which is consistent with the nature and function of a county jail or local detention facility, and would not breach the Legislature's overall intent, or

Ms. Rebecca A. Convery

December 3, 2007

Page 12

the statutory restrictions on the long-term confinement of out-of-state inmates in Montana.

THEREFORE, IT IS MY OPINION:

A multijurisdictional detention center may contract for the confinement of out-of-state and federal inmates only for the purposes authorized by Mont. Code Ann. § 7-32-2203, which do not include confinement of adult felony and misdemeanor offenders who are committed by an out-of-state jurisdiction or the federal government. That authority has been reserved to the Department of Corrections, under narrow circumstances only, which evidences a legislative intent not to allow routine interstate exchange of inmates in and out of Montana.

Very truly yours,

MIKE McGRATH
Attorney General

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