

HOUSE BILL NO. 773

INTRODUCED BY STICKNEY, SCHYE

IN THE HOUSE

FEBRUARY 12, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

 POSTED ON ALTERNATIVE CONSENT CALENDAR.

FEBRUARY 23, 1991 PRINTING REPORT.

FEBRUARY 27, 1991 THIRD READING, PASSED.
AYES, 96; NOES, 2.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

APRIL 1, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 10, 1991 THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 773

2 INTRODUCED BY STICKNEY, SCHYE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT THE RIGHTS
5 OF A PERSON WHO IS INVOLUNTARILY DETAINED ~~OR-EXAMINED~~ UNDER
6 THE INVOLUNTARY COMMITMENT STATUTES BY REQUIRING THE COUNTY
7 ATTORNEY ~~OR--A--PEACE--OFFICER~~ TO INFORM THE PERSON OF HIS
8 RIGHTS; AND AMENDING SECTION 53-21-114, MCA."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 53-21-114, MCA, is amended to read:

12 "53-21-114. Notice of rights to be given. (1) Whenever
13 a person is involuntarily detained ~~or-is-examined~~ pursuant
14 to 53-21-121 through 53-21-126, the person shall ~~at-the-time~~
15 ~~of-detention-or,~~ prior to examination HIS APPEARANCE, be
16 informed of his constitutional rights and his rights under
17 this part by the county attorney or-a-peace-officer. Within
18 3 days of such detention ~~or-examination,~~ he must also be
19 informed in writing by the county attorney of such rights.

20 (2) Every respondent subject to an order for short-term
21 treatment or long-term care and treatment shall be advised
22 in writing of his right to appeal the order by the court at
23 the conclusion of any hearing the result of which such an
24 order may be entered."

-End-

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 1, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 773 (third reading copy -- blue), respectfully report that House Bill No. 773 be amended and as so amended be concurred in:

1. Title, line 4.
Following: "AN ACT"
Strike: "TO PROTECT"
Insert: "RELATING TO"

2. Title, lines 6 and 7.
Following: "STATUTES" on line 6
Strike: remainder of line 6 through "ATTORNEY" on line 7

3. Title, line 7.
Following: "TO"
Strike: "INFORM THE PERSON"
Insert: "BE INFORMED"

4. Title, line 8.
Following: "RIGHTS;"
Insert: "PROVIDING THAT THE PERSON MUST BE INFORMED OF HIS RIGHTS
AT THE TIME OF HIS DETENTION; REMOVING THE REQUIREMENT THAT
HE BE INFORMED OF HIS RIGHTS AT THE TIME OF EXAMINATION;"

5. Page 1, line 15.
Strike: ", prior to" and "HIS APPEARANCE,"
Insert: "at the time of detention"

6. Page 1, line 17.
Strike: "by the county attorney"

Signed: 
Richard Pinsoneault, Chairman

 4-1-91
And. Coord.

SB 4-1 2:00
Sec. of Senate

HB 773

SENATE

HOUSE BILL NO. 773

INTRODUCED BY STICKNEY, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO PROTECT~~ RELATING TO THE RIGHTS OF A PERSON WHO IS INVOLUNTARILY DETAINED OR EXAMINED UNDER THE INVOLUNTARY COMMITMENT STATUTES BY ~~REQUIRING--THE--COUNTY-ATTORNEY OR-A-PEACE-OFFICER TO INFORM THE-PERSON BE INFORMED~~ OF HIS RIGHTS; PROVIDING THAT THE PERSON MUST BE INFORMED OF HIS RIGHTS AT THE TIME OF HIS DETENTION; REMOVING THE REQUIREMENT THAT HE BE INFORMED OF HIS RIGHTS AT THE TIME OF EXAMINATION; AND AMENDING SECTION 53-21-114, MCA."

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