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.

INTRODUCED AND REFERRED TO COMMITTEE

- FEBRUARY 23, 1991 PRINTING REPORT.
- FEBRUARY 27, 1991 THIRD READING, PASSED. AYES, 96; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991

APRIL 1, 1991

APRIL 4, 1991

APRIL 5, 1991

FIRST READING.

ON JUDICIARY.

COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

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.

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order may be entered."

LC 1952/01

INTRODUCED BY the sun Selver 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT THE RIGHTS 4 OF A PERSON WHO IS INVOLUNTARILY DETAINED OR EXAMINED UNDER 5 THE INVOLUNTARY COMMITMENT STATUTES BY REQUIRING THE COUNTY 6 7 ATTORNEY OR A PEACE OFFICER TO INFORM THE PERSON OF HIS 8 RIGHTS; AND AMENDING SECTION 53-21-114, MCA." 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 53-21-114, MCA, is amended to read: 11 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 of detention or prior to examination be informed of his 15 16 constitutional rights and his rights under this part by the county attorney or a peace officer. Within 3 days of such 17 18 detention or examination, he must also be informed in 19 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

-End-



INTRODUCED BILL

52nd Legislature

HB 0773/02 Approved by committee on judiciary

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 ORAPEACEOPFICER 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
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-End-

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SECOND READING HB 773

HB 0773/02

HOUSE BILL NO. 773

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5	OF A PERSON WHO IS INVOLUNTARILY DETAINED OR-EXAMINED UNDER
6	THE INVOLUNTARY COMMITMENT STATUTES BY REQUIRING THE COUNTY
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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 a person is involuntarily detained or-is-examined pursuant 13 14 to 53-21-121 through 53-21-126, the person shall at-the-time of-detention-or, prior to examination HIS APPEARANCE, be 15 informed of his constitutional rights and his rights under 16 17 this part by the county attorney or-a-peace-officer. Within 18 3 days of such detention or-exemination, 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-



THIRD READING HB 773

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: nsoneault, Chairman Richa

1-1-91 Ama. coord.

<u>SB 4-1</u> 2:00 Sec. of Senate

HB 773

SENATE

HB 0773/03

1	HOUSE BILL NO. 773
2	INTRODUCED BY STICKNEY, SCHYE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO-PROTECT RELATING TO
5	THE RIGHTS OF A PERSON WHO IS INVOLUNTARILY DETAINED OR
6	EXAMINED UNDER THE INVOLUNTARY COMMITMENT STATUTES BY
7	REQUIRINGTHECOUNTY-ATTORNEY OR-A-PEACE-OPPICER TO INFORM
8	THE-PERSON BE INFORMED OF HIS RIGHTS; PROVIDING THAT THE
9	PERSON MUST BE INFORMED OF HIS RIGHTS AT THE TIME OF HIS
10	DETENTION; REMOVING THE REQUIREMENT THAT HE BE INFORMED OF
11	HIS RIGHTS AT THE TIME OF EXAMINATION; AND AMENDING SECTION
12	53-21-114, MCA."
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15	Section 1. Section 53-21-114, MCA, is amended to read:
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20	TIME OF DETENTION be informed of his constitutional rights
21	and his rights under this part by the county attorney or a
22	peaceofficer. Within 3 days of such detention or
23	examination, he must also be informed in writing by the
24	county attorney of such rights.
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- 2 in writing of his right to appeal the order by the court at
- 3 the conclusion of any hearing the result of which such an
- 4 order may be entered."

-End-

