

JUDICIARY COMMITTEE  
March 16, 1977

The meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building, Helena, Montana. All members were present except Representatives Colburn, Kennerly and Seifert.

The hearing continued on Senate Bills 413 and 419, because of the lack of time the day before.

**SENATOR TOWE, DISTRICT #34:**

Thank you Mr. Chairman, for letting us come back today to finish testimony on these bills. I appreciate it. I wish to go over the amendments presented yesterday by Sue Weland. I am vigorously opposed to accepting them. He went through the amendments and stated his objections.

**SENATE BILL #419:**

**SENATOR TOWE, DISTRICT #34:**

This bill changes the definition of an incapacitated person in the Montana Uniform Probate Code. You cannot commit someone unless they are dangerous. I didn't want to fiddle with the definition of "seriously mentally ill". This bill goes into the guardianship statute as it now exists. "Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning himself. Or, if the person's judgment is so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

I have an amendment I wish to present to you, amend the title, line 6, following "code" insert, "and authorizing court ordered treatment of such persons"

**BOB KELLER:**

We have to do something with the people who are mentally ill but are not seriously mentally ill. This is an effort to polish the guardianship act.

**JOAN BUDA, GOVERNOR'S OFFICE:**

With the amendments, I am satisfied that this bill will give us a mechanism to solve the problem.

Discussion followed about what constitutes dangerous, mentally ill, or dangerously mentally ill.

**SENATOR TOWE:**

Seriously mentally ill means suffering from a mental disorder which has resulted in self-inflicted injury or injury to others, or the imminent threat thereof, or which has deprived the person afflicted of the

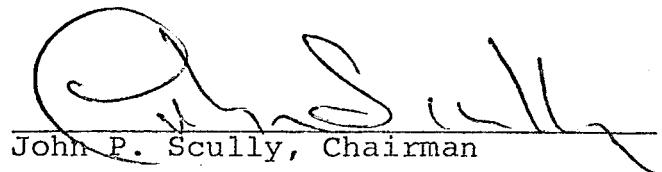
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ability to protect his life or health. No person may be involuntarily committed to a mental health facility or detained for evaluation and treatment because he is an epileptic, mentally deficient, mentally retarded, senile, or suffering from a mental disorder unless the condition causes him to be seriously mentally ill within the meaning of this chapter.

The real problem is the people being released without the proper care.

There was no further discussion and no further questions, no other proponents or opponents, the hearing closed on SB 419.

The committee adjourned at 9:10 and went into executive session.



John P. Scully, Chairman



Mary Ellen Connelly  
Mary Ellen Connelly, Secretary