

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on March 15,
1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al
Bishop, Senators Tom Beck, Bob Brown, John Harp, Mike
Halligan, Loren Jenkins, Joe Mazurek, R. J. Pineseault
and Bill Yellowtail

Members Excused: None

Members Absent: None

Staff Present: Staff Attorney Valencia Lane and Committee
Secretary Rosemary Jacoby

Announcements/Discussion: None

HEARING ON HOUSE BILL 185

Presentation and Opening Statement by Sponsor:

Representative Timothy Whalen of Billings, District 93,
opened the hearing on House Bill 185. He said the bill
changed the law regarding pending commitment hearings.
The main part of the bill appeared on page 5, he said.
The bill would prohibit detention in jail pending a
mental health commitment hearing. There have been
times when a restrictive place has not been available
other than a jail. The bill provides that regional
facilities must be contacted on a daily basis until the
patient is placed, he said.

List of Testifying Proponents and What Group they Represent:

Tom Posey, Montana Alliance for the Mentally Ill
Chuck O'Reilly, Lewis and Clark County Sheriff,
representing the Montana Peace Officers
Association
John Thorsen, Mental Health Association of Montana
Lowry Drivdahl, Missoula Alliance for the Mentally Ill

Mary Gallagher Staff Attorney for the Board of Visitors
in Warm Springs
Diane Corne, Kalispell
Laura Risdahl, Missoula Alliance for the Mentally Ill
Dave Mosley, Kalispell
Christy Marron, Mental Health Centers
Mike Sherwood, Montana Trial Lawyers Association
Winifred Storli, Kalispell
Pat Heffernan, herself
Evelyn Stratiff, Montana House
Judy Erickson, Montana House

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Tom Posey said that the bill is one of compassion and compliance with existing law. The law of the state of Montana requires that a person awaiting placement in a commitment facility be held in the least restrictive environment available. Jails do not qualify, he said. The bill does not apply to somebody who has already been certified to be seriously mentally ill and in need of restriction. He said the bill would apply if a person has been picked up in need of restriction, after a petition has been filed with the county attorney and pending the commitment hearing. The bill is designed to offer the possibility that the illness is not going to be exacerbated in the person by the trauma of being held in jail. In most cases, jails do not have the facilities for holding people with mental illness, so they are placed in a solitary confinement cell, he stated. Oftentimes these cells have no bathroom facilities except for a hole in the floor; they often have lights on 24 hours a day. Many times the person is watched 24 hours a day allowing no privacy. The bill provides for transfer to a proper facility in as rapid a manner as possible. The bill possibly decreases the liability for the jail, he stated.

Chuck O'Reilly supported the bill. He agreed with the testimony previously given. He said that jails do not have the facilities or trained health professionals to deal with mentally ill persons.

John Thorsen said the bill would help establish two points: Mentally ill persons are not criminals and should not be involved in the criminal justice system and, secondly, it

should protect jails against the liability that might otherwise be present.

Lowry Drivdahl said that mental illness robs persons of making rational judgments. The sooner the treatment begins, the less time is spent in a controlled facility. He presented a letter from the Missoula County Commissioners in support of the bill. (Exhibit 1)

Mary Gallagher presented written testimony to the committee in favor of the bill (Exhibit 2). She also asked to enter into the record a letter from Susan Stefan of the Mental Health Law Project (Exhibit 3).

Diane Corne presented testimony to the committee (Exhibit 4). She said she was arrested in front of her 4-year-old son. She was placed in a cell with no privacy and urinated in her pants because she was constantly being watched.

Laura Risdahl appeared in support of the bill (Exhibit 5).

Dave Mosley supported the bill. He said putting a mentally ill person in jail was wrong. He urged passage of the bill.

Christy Marron appeared in support of the bill.

Mike Sherwood said that jails were no place for the mentally infirm. He thought an ounce of prevention would be worth a pound of cure. He entered written testimony into the record (Exhibit 6).

Winifred Storli (Exhibit 7) said she had a daughter who is severely mentally ill, as well as having a mother who is a schizophrenic. She said her daughter had spent time in the Kalispell jail. The daughter had never broken a law and shouldn't be in jail, she said.

Pat Heffernan said she had been placed in the Kalispell jail. She said it was "filthy" and "frightening." She said the deputies were all male and she had no privacy.

Evelyn Stratiff (Exhibit 8) appeared before the committee. She said she had spent time in jail as well as a transitional house.

Judy Erickson (Exhibit 9) appeared in support of the bill.

Questions From Committee Members: Senator Crippen thanked the persons who appeared before the committee and applauded their courage.

Senator Jenkins asked how many mental health facilities were in the state. Mary Gallagher said there were 5 regional centers. Kelly Morrison, Director of the Board of Visitors said there were centers in each area. There are also psychiatric hospitals in Missoula, Kalispell, Great Falls, Helena, Billings, Miles City and Butte.

Senator Jenkins asked what the present law stated. Rep. Whalen said the "illness" is moved from "individual" to the "detention" facility, so that if there is no mental health facility available, the person can be put in jail. The bill says you can't put the person in a detention facility unless there is no mental health facility available. It further required effort made in contact with mental health facilities to determine the soonest vacancy.

Senator Jenkins wondered about the "public's protection." Rep. Whalen said the emphasis was on the ill individual, but felt that he/she could be placed in jail only in cases of necessity.

Senator Beck asked what would start the process of commitment. Tom Posey said a parent, doctor or anyone might go to the county attorney for a determination that the person is a danger to himself or to others. The person can then be brought in for evaluation. The person might be put in jail at that point. If it is determined that they need treatment, yet refuse, they are held in jail until a commitment hearing. Persons have been held in jail from 1 or 2 days to 15 weeks, he said. The bill seeks to answer that situation. Another situation might occur when a vagrant is picked up, he said, and determined to need treatment.

Senator Beck asked if mental health facilities have the proper facility for violent patients. Mr. Posey said they have psychiatric wards.

Closing by Sponsor:

DISPOSITION OF HOUSE BILL 185

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Pinsoneault MOVED that House Bill 185 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY.

HEARING ON HOUSE BILL 313

Presentation and Opening Statement by Sponsor:

Representative Ed Grady of Canyon Creek, District 47, opened the hearing. The purpose of the bill was to revise the skier responsibility law to address a supreme court decision. He presented a written statement to the committee. (Exhibit 10)

List of Testifying Proponents and What Group they Represent:

Pat Melby, Montana Skiers Association
George Willett, Showdown Ski Area
Terry Abelin, Bridger Bowl
Norman F. Kurtz, Big Mountain Ski Area
Tim Praether, Red Lodge Ski Area

List of Testifying Opponents and What Group They Represent:

Michael Sherwood, Montana Trial Lawyers Association

Testimony:

Proponents:

The following persons testified in favor of the bill leaving testimony with the secretary:

Pat Melby (Exhibit 11) He said he originally was opposed to the bill but thought the amendments now made it acceptable. He called attention to amendments on p. 4, lines 8 through 11, on p. 4, line 25, on p. 7, line 15, on Sec. 3, on Sec. 4.

George Willett (Exhibit 12)
Terry Abelin (Exhibit 13)
Norman F. Kurtz (Exhibit 14)
Tim Praether (Exhibit 15)

Kevin Taylor told the committee that signs and warnings were placed wherever hidden risks might, yet still there are skiers who are injured. He urged support of the bill.

Opponents:

Michael Sherwood appeared in opposition to the bill (Exhibit 16). However, he said he was not opposed to the bill if it was accepted with the House Amendments.

Questions From Committee Members: Senator Crippen commented that he had noticed the signs telling of the degree of difficulty. He wondered if these signs are standardized at all ski areas. Pat Melby thought they were.

Senator Beck wondered if "injuries or damage" were synonymous. Pat Melby said injuries were physical injuries and damage could refer to wrongful death actions resulting in loss of consortium and other damages.

Closing by Sponsor: Senator Crippen closed the hearing for Representative Grady who had to leave early.

DISPOSITION OF HOUSE BILL 313

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Mazurek MOVED that House Bill 313 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL 489

Discussion: Valencia Lane distributed and explained the amendments that had been requested by Senator Halligan. (Exhibit 17) She said she had left making a false bomb threat in the same statute that it was in -- disorderly conduct. She said that there was a new subsection (3) which was amendment #6 that provided penalties. She said it was a high misdemeanor taken directly from the third DUI statute. Senator Halligan requested that the penalties be the same as in that statute, she said.

Senator Mazurek questioned if every high misdemeanor should have a 30-day jail sentence. He asked if there was still discretion and Valencia answered yes. Senator Pinsoneault agreed.

Senator Crippen asked the committee to study #6 first.

Senator Mazurek asked if the penalty could be changed to say "up to \$1,000 or a "jail term of "up to 6 months" or both.

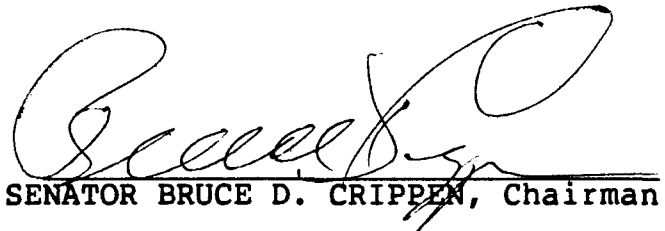
Amendments and Votes: Senator Mazurek MOVED that the committee adopt the amendments and change #6 to a \$1,000

fine and up to 1 year in jail. The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Pinsoneault MOVED that House Bill 489 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 11:45 a.m.



SENATOR BRUCE D. CRIPPEN, Chairman

BDC/rj

minrj.315

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 3-15-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN			
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL			

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 15, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 185 (third reading copy - blue), respectfully report that HB 185 be concurred in.

Sponsor: Whalen (Blaylock)

BE CONCURRED IN

Signed

B. Crippen

Bruce D. Crippen, Chairman

*file
2/15/89
1:30 p.m.*

SENATE STANDING COMMITTEE REPORT

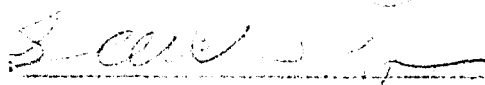
March 15, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 313 (third reading copy -- blue), respectfully report that BE 313 be concurred in.

Sponsor: Grady (Hazurek)

BE CONCURRED IN

Signed: 
Bruce D. Crippen, Chairman

4/10/89
12:39
P.M.

SENATE STANDING COMMITTEE REPORT

March 15, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 489 (third reading copy -- blue), respectfully report that HB 489 be amended and as so amended be concurred in:

Sponsors: Rice (Halligan)

1. Title, line 4.

Strike: "DELETING"

Insert: "INCREASING THE PENALTY FOR"

2. Title, lines 6 and 7.

Following: "EXPLOSION" on line 6

Strike: remainder of line 6 through "CONDUCT" on line 7

3. Page 2, line 1.

Strike: "or"

4. Page 2, line 3.

Following: "purpose"

Insert: "; or

(j) transmitting a false report or warning of an impending explosion in such a place that its occurrence would endanger human life"

5. Page 2, line 4.

Following: "(2)"

Strike: "A"

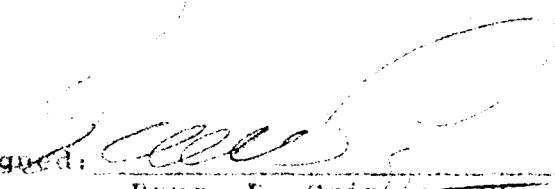
Insert: "Except as provided in subsection (3), a"

6. Page 2.

Following: line 7

Insert: "(3) A person convicted of a violation of subsection (1)(j) shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both."

AND AS AMENDED BE CONCURRED IN

Signed: 

Bruce D. Crippen, Chairman

MISSOULA COUNTY

EXH. 1
DATE 3-15-89
BILL NO. HB 185

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

BCC-89-119
February 22, 1989

Bruce Crippen, Chairman
Judiciary Committee
Montana State Senate
Capitol Station
Helena, MT 59624

Dear Chairman Crippen and Committee Members:

We are writing in support of HB-185, which would restrict the detention of a person in jail or other correctional facility pending a mental health commitment hearing. People who are mentally ill do not belong in jail, even temporarily. Appropriate treatment for the mentally ill during evaluation periods is not only just but has also been proven to be cost-effective.

Thank you for your consideration of these remarks.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS

Barbara Evans
Barbara Evans, Chairman

Janet Stevens
Janet L. Stevens, Commissioner

Ann Mary Dussault
Ann Mary Dussault, Commissioner

BCC/lm
cc: Missoula Senate Delegation
Gordon Morris, Executive Director
MACo

OFFICE OF THE GOVERNOR
MENTAL DISABILITIES BOARD OF VISITORS
LEGAL SERVICES PROGRAM

SENATE JUDICIARY

EXHIBIT NO. 2

DATE 3-15-89

BILL NO. HB 185

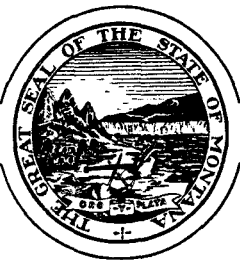
TED SCHWINDEN, GOVERNOR

P.O. BOX 177

STATE OF MONTANA

(406) 693-7035

WARM SPRINGS, MONTANA 59756



TESTIMONY ON HOUSE BILL 185
BY MARY GALLAGHER
BEFORE THE SENATE JUCICIARY COMMITTEE
ON MARCH 15, 1989

Mr.Chairman, Members of the Committee, my name is Mary Gallagher and I am a staff attorney with the Mental Disabilities Board of Visitors Office at the Montana State Hospital.

I am here in support of House Bill 185 because I believe that a mental health facility, not a jail, is the more legally and therapeutically appropriate place to detain the seriously mentally ill persons who come through our system.

I am acquainted with patients at Warm Springs who have come to the Hospital after being held in a county jail, sometimes for several weeks at a time. If the person was at all psychotic, the isolation and deprivation of being locked in a jail cell for days or weeks, served only to aggravate and intensify the psychotic symptoms. When this happens, it naturally takes much longer for the person to stabilize and return to the community.

In my job, patients frequently come to my office to find out why they have been punished by being jailed when they have committed no crime. It is difficult to explain to them that jail of a mentally ill person in our State is not considered to be punishment - that it is simply what someone was calling the "least restrictive alternative" for detention. Jail, by any other name, is still punishment to them.

I urge you to support this bill and require our State to provide humane appropriate placements for the mentally ill detained in our system.

MHLP

MENTAL HEALTH
LAW PROJECT

SENATE JUDICIARY
EXHIBIT NO. 3
DATE 3-15-89
BILL NO. HB 185

TESTIMONY OF SUSAN STEFAN

ON HOUSE BILL 185

Before the *Senate* Committee on the Judiciary

March 15, 1989

Mr. Chairman, Members of the Committee, my name is Susan Stefan. I am a Staff Attorney with the Mental Health Law Project, a non-profit organization which advocates for mentally ill and mentally retarded people across the country. We have been involved on the state and federal level with legislative efforts to benefit mentally disabled people for fifteen years.

The legislation before you today will benefit both mentally ill people who should not be locked in jail cells and sheriffs whose jobs are difficult enough without having to provide safety or protection for mentally ill individuals, let alone the treatment these individuals desperately need when they are in crisis. The bill before you will also save lives, because mentally ill people die in jail cells - they do all over the country, and they have in Montana. Finally, this bill cures a situation in Montana which is very likely unconstitutional.

It is important to emphasize that if a person is displaying symptoms of mental illness, he or she may need a physical exam, may need medication of a certain specific kind, may need to talk to a trained professional. These interventions are particularly crucial at the beginning of an acute episode of psychosis. It is particularly harmful for a mentally ill person to be put into a jail cell, not knowing why they are in jail, receiving no support or caring treatment, and becoming more confused and disoriented and deteriorating until they are far worse off than they were initially. Rapid treatment is very important early if a mentally ill person is in crisis. And the capacity to treat is there - there is a mental health center within two hours of any location in Montana. In many ways, holding a person in a jail cell who is acutely mentally ill is analogous to one of you having a heart attack or a stroke and being taken to jail rather than to the hospital for treatment.

2021 L Street NW, Suite 800, Washington DC 20036-4909, (202) 467-5730, FAX: (202) 223-0409

NORMAN S. ROSENBERG
Director
LEONARD S. RUBENSTEIN
Legal Director

IRA A. BURNIM
ELIZABETH K. GITLIN
BONNIE MILSTEIN
BETH PEPPER
SUSAN STEFAN

*Not admitted in the District of Columbia

Testimony of Susan Stefan
House Bill 185
Page 2

By expecting Sheriffs to hold mentally ill people in their Jails, you are asking the sheriffs to do something beyond their job description or training. It is tragic for everyone concerned for mentally ill person to go through a crisis with no one able to provide any treatment. Mentally ill people are in so much

pain they may mutilate or even kill themselves. Sherriffs do not have the wherewithal to predict or prevent this. Yet once they have a mentally ill person in their jail, they are legally obligated to provide this care, just as they are to provide medical care to physically ill inmates.

Finally, as I said before, holding mentally ill people in jails is probably unconstitutional. The Eleventh Circuit, which includes Florida, Georgia, and Alabama, held the practice unconstitutional in 1984 in a case called Lynch v. Baxley, 744 F2d 1452 (11th Cir 1984). The Court noted that "temporary confinement in jail is particulary harmful to those who are mentally ill." It found that:

Jail exacerbates the mental problems of the people detained there and thereby lengthens the time it takes to treat them. The individuals who have been held in jail are often angry and harder to treat because they do not understand why they were detained in jail. Jail detention can lead to a greater degree of psychosis where it already exists and can possibly create such psychosis where it does not.

744 F2d at 1458.

In another case in the Second Circuit, in 1986, the Court said that it "had no quarrel" with the reasoning that "jail is for incarceration of criminals and so persons who were only awaiting involuntary commitment proceedings could not be 'punished' by being detained in jails. To so punish persons awaiting involuntary commitment did not bear any relation to the purpose of their confinement." Doe v. Gaughan 808 F.2d 871, 879 (2nd Cir. 1986). I have also been informed recently that this issue is being litigated in Mississippi.

It has been argued that in some places mental health facilities do not exist. In fact, facilities more appropriate than jails do exist for mentally ill people; many hospitals have beds available. If the person is truly violent and out of control, they should be taken at once to the state hospital, since that is where they will likely go in any event. As the court in Lynch v. Baxley held, a person must be detained in "the nearest State, regional, community, county or private hospital or mental health facility which provides quarters for mentally ill patients." 744 F2d at 1462. These options are all more appropriate than a jail cell.

Testimony of Susan Stefan
House Bill 185
Page 3

To summarize, the current practice of keeping mentally ill individuals in jails in Montana is devastating for the individual and his or her relatives; places a burden on Sheriffs which is unfair and unjustified; has led to deaths and may lead to more; and is probably unconstitutional under the United States Constitution. I urge you to correct this tragic situation by reporting this bill favorably.

Thank you.

WITNESS STATEMENT

NAME Dianna Corne BUDGET _____

ADDRESS 220 9th Ave W#3 Kalispell, MT

WHOM DO YOU REPRESENT? Mentally Ill

SUPPORT OPPOSE _____ AMEND _____

COMMENTS: I was arrested on 2
different times for the Mental
Health Act. I was never told
why I was being arrested.
I was told that I declined
faster in jail

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Laura M. Risdahl BUDGET _____

ADDRESS 2405 39th St, Missoula MT

WHOM DO YOU REPRESENT? Missoula Alliance for Mentally Ill

SUPPORT OPPOSE _____ AMEND _____

COMMENTS: At the moment any person's
mind malfunctions, he or she
needs immediate hospital care.

Putting them in jail or prison
prolongs their illness forever
or at least many years.

We are a Christian? nation
& the care of our helpless
citizens is uppermost in
importance. They cannot
be helped in jails.

Also these people are
terrified at what has
happened to them and
putting them in jails only
adds to their panic.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Michael Sherwood BUDGET _____

ADDRESS MTLA

WHOM DO YOU REPRESENT? _____

SUPPORT HB185 OPPOSE _____ AMEND _____

COMMENTS: I support HB185. As a court appointed counsel, I saw for the first 3 years of my practice, I witnessed multiple abuses and little or no distinction between treatment of accused and convicted criminals and the mentally infirm.

This bill will cost money, but this is a clear case of "a ~~stick~~ ^{ounce} of prevention is worth a pound of cure." A law suit seeking both actual and exemplary damages is pending in Kalispell. Other suits are inevitable if jailing continues

I urge you to please pass this proposed legislation

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Winnifred Storli BUDGET _____

ADDRESS Box 249 Kalispell MT. 59901

WHOM DO YOU REPRESENT? _____

SUPPORT OPPOSE _____ AMEND _____

COMMENTS: Parent, daughter of seriously
mentally ill family members. Member of MHA leg. com.,
M.H. Advisory Board, and alliance for mentally ill.
Daughter 10 hospitalizations
Daughter in jail, on street.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SENATE JUDICIARY

EXHIBIT NO. 7, p. 2

DATE 3-15-89

BILL NO. HB 185

3420 Airport Rd.
Kalispell Mt. 59901
March 14, 1989

FLAMI (Flathead Alliance for the Mentally Ill,
Formerly FLAME)

To the Senate Judiciary Committee

Dear Sir,

We, the families and relatives of the chronically and seriously mentally ill, join with the Sheriff's Association, MHA and AMI to ask you to pass H.B. 185, the jail bill.

In Montana and especially in the Flathead, the county jail is used as the psychiatric ward for patients awaiting committment to a mental hospital. Their only crime being, a disease of the brain. For over a decade now this state of affairs has been protested at hearings, in the press and by concerned citizens. Our first president Mr. Frank Uhlin, a retired post master, had his wife jailed when she was in her sixties because she was very sick. In January of 1989, a young mother was picked up from a local hospital and incarcerated because she was suffering from a deep post partum depression! A book can be written about these travesties against humanity and justice.

Contrary to popular belief patients incarcerated in the "rubber rooms," are not "Sons of Sams." They are not violent, homicidal, were wolves. Generally they curl up in a fetal ball and loose control of their bodily functions, or they pace, or become agitated and sleepless or desperately try to escape from the increasing horror of their hallucinations and paranoia made much worse by sensory deprivation and T.V. monitoring.

Montana is a caring state with a small population. The present treatment of our sick is wrong. Please help to rectify this great wrong.

Members of the Flathead Alliance

Pat Jam

P. Jam President

Henny Jacobson

H. Jacobson Vice Presidet

W. Storli

W. Storli Legeslative Committee

~~~~~

# Mental patients still jailed but now occupy 'soft' cell

By CHERY SABOL  
The Daily Inter Lake

With the opening of the county's new justice center, conditions for mental patients held in jail have improved — but not enough for some officials.

The new facility has a specially-designed "soft cell" to prevent occupants from hurting themselves. The cell's walls are finished with a cushioned material.

But at least one mental health professional says the whole matter of holding mental patients in jail reminds him of the Middle Ages.

The new cell is "better in the sense that it's soft-covered," said Bill Harris of the Western Montana Regional Health Department.

But Harris stopped short of giving the cell his endorsement. Among his criticisms is the fact that mental health workers must "peer through the opening" to evaluate agitated persons held in the cell.

Although the new cell is equipped with a public-address system, monitoring equipment and a peephole for surveillance and for conversing through the door, it is anything but beautiful.

The walls are solid and inmates are unable to see outside the cell. Except for a grate in the floor for sanitary purposes, the cell is completely barren — no bed, no chair.

Jail detention officer Ted Stolfuss said the new cell is a vast improvement over the receiving cell in the old jail.

"There is no comparison. It's like comparing a broken-down Model T Ford and an '88 Cadillac," Stolfuss said.

In the old jail, combative or highly upset persons occupied a cell where they had no privacy and sometimes caused a disturbance.

The old cell was spiked with sharp corners, concrete walls and fixtures that a prisoner could use to injure himself. Its location allowed prisoners to interrupt booking and fingerprinting procedures of other inmates. Stolfuss said prisoners were also able to fling water and body waste through the cell bars.

But even Stolfuss sees the new soft cell as far from ideal. For mental health patients, he said, it's important to have "as close to a normal environment as this place can afford. There's nothing natural about the soft cell."

Four other medical cells in the new jail can be used for prisoners who are not likely to injure anyone. Stolfuss said those cells are "more comforting" than the soft cell and are used unless the other cell is obviously necessary.

Harris worries about the barren soft cell. He said



Photo By Sel Skog

NEW SOFT CELL has bleak appearance.

that a patient isn't a danger to himself or others, he is released.

If the person is judged dangerous and must stay in jail, a report is made to the county attorney's office and the matter goes to a district court hearing, where a judge decides what should be done.

In extreme cases, the patient might be transferred after evaluation to treatment centers such as St. Patrick Hospital in Missoula or the state hospital in Warm Springs.

Glacier View Hospital in Kalispell can treat mental patients, but it is a private hospital and unless a patient has insurance or can afford treatment, he may not be accepted, Harris said.

Kalispell Regional Hospital has a specially designed room for mental patients but is often unwilling to take combative persons.

Some recent cases have drawn attention to the procedures for caring for the mentally ill. In January,

poll  
dist

# Should the sick be jailed?

By ANNE CLARK

Of The Daily Inter Lake

"I live in horror that I might lose my mind in Flathead County," says Corky Derby, a member of the county sheriff's department.

Her fear has grown during the five years she has been employed at the county jail, watching mentally ill people brought in to be locked up in a barren holding tank.

It's the only place the county has for them.

The jail is a long hallway in a corridor, and it is under lock and key. Everyone passing is under obligation to check the occupants. Cells far are lined at this and several other high-security cells, so the occupants can be additionally monitored from the dispatch center.

As she leads the way through the dark rabbit warren of corridors in the cell block, a judge and the jailer stop her on their way to serve papers to an inmate.

"Does she have her clothes on?" they ask.

Mrs. Derby explains that the mentally ill, particularly women, often take all their clothes off.

The nicest women will yell the worst obscenities. When they get better, they're mortified, and feel like they can't face anyone. It's the more thing they have to cope with on their road to recovery."

A soft banging noise punctuates the subdued chatter from portable televisions set up for the inmates.

"Hear that noise? That's someone beating their head against the bars. They'll do it until they're bloody, and we can't stop them. They have the right to do that if they want to. Sometimes we can get a doctor here if they're really bad, but not often."

The mentally ill sometimes stay in jail for several days before the process to have them involuntarily committed is completed.

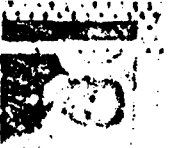
"We have to watch them drink from the toilet and make incredible messes. There's nobody here with any training to be able to help them," says Mrs. Derby.

Concerned relatives come to see their sick family member, and Mrs. Derby struggles to make the inmate presentable.

"I go in and wash them, try to take care of them and clean them up. I have no training. I just try to take care of them, like any Christian would," Mrs. Derby said.

They cannot be given any of the medications that are prescribed to alleviate their mental condition, because

12.13.1975



SENATE JUDICIARY  
EXHIBIT NO. 7pg4  
DATE B-15/89  
BILL NO. HB185



Judge Salansky says, "People just don't become aware of the problem down here until it hits home..."

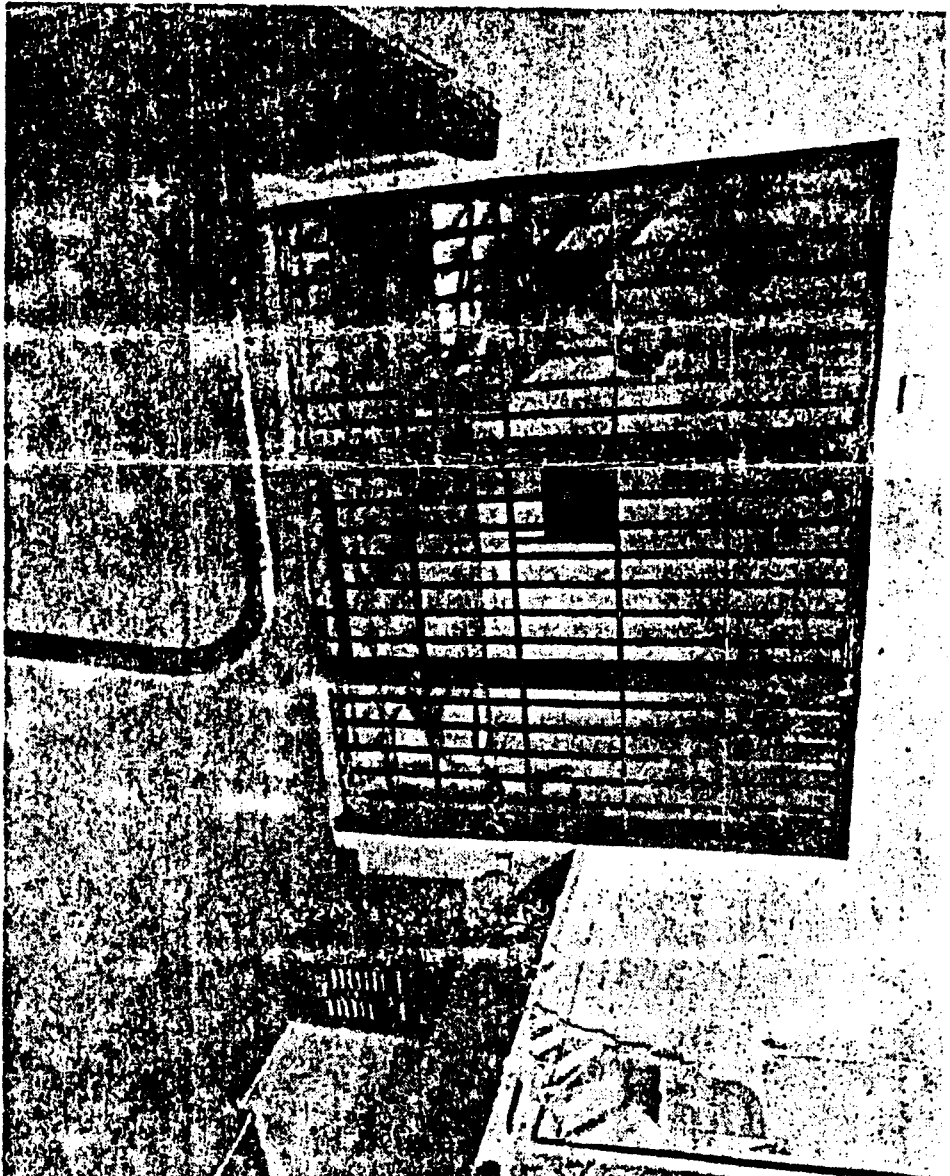
# Mental Health-----A Nightmare Here

by Corky Derby

It took three policemen to bring her in. She was handcuffed, yet managed to kick, bite and gouge the men. She refused to answer even the most routine questions. It took four officers to carry her bodily to the "holding" cell at the Sheriff's office until a psychiatrist could be summoned.

She stayed in the cell 10 days, and was released back on the street.

The young man was picked up by two deputies. His parents had called; they could no longer handle him. He was put in the "holding" cell, his psychiatrist was notified, and came. He was there four days, demanding to see a member of the press. He wanted his picture taken and an inter-



This is the place they call "Warm Springs North", but it's worse than that. The tiny holding cell is located right where the greatest traffic in the jail occurs. This Edlior recalls sitting here for one hour at the time when the Columbia Falls mother, who had killed her two children, was being held in this steel barred cubicle. I do not know what agonies that

this doesn't count doctor or medication fees. Twelve patients were committed to Warm Springs at a minimum cost of \$350 per patient, or \$4,200. In addition, we pay Warm Springs \$57.61 per patient per day. It costs us \$100 per day per patient at St. Patrick's in Missoula. And these patient figures are low.

The records are misleading because quite a number of patients are NOT admitted under the Mental Health Act. They are admitted on various criminal charges, such as disturbing the peace, and are not listed in the records as mental health patients.

"If we're going to have to keep them, we should at least have proper facilities. The amount of

valley is so inadequate as far as help for mental or alcohol problems are concerned. We find our hands are tied. What are we supposed to do with these people. We get the blame, but we didn't write the laws, we just have to enforce them."

Bill Harris, psychologist and office director of the Mental Health Center also sees the problem as a continuing area of concern. The Center started in 1971 with a one-man staff and has grown to six clinical people, including a doctor, two psychologists, one psychiatric nurse, and one mental health worker. They are funded by tax monies and fees, but they are losing their federal funds December 31. An eight-year staffing grant has expired and the loss to this region will be \$144,000.

woman was going through, but I'm suffering to me. In writing this story to one of the doctors, "What I've been hell to me." The doctor replied and as you think of it, recall that persons spends all his time in he

psychiatrists in that wouldn't do as disturbed." Camille Scott, D fair to the community seriously disturbed ill patients. We are them. If they are different. There are ten mental psychiatric unit could be used for evaluation of Flat mental health patients. But the need



## Hospital turns away jail patient

By JACKIE ADAMS  
Of The Daily Inter Lake

Glacier View Hospital Wednesday refused to admit a mental patient who had been committed there by order of District Judge Michael Keedy.

Capt. Dennis Updegraff of the sheriff's department said the patient, an 18-year-old man who was thought to be suicidal, was turned away by Dr. Alan Quint and returned to jail. Updegraff and another deputy had taken the patient from the jail to the new psychiatric hospital on a court order.

Quint said today he was unable to admit the patient for several reasons, the most immediate one being that the hospital is not open and has not taken any patients yet. He said the facility is still undergoing final inspections by fire marshals.

"It may be a week or more before we can admit patients," Quint said.

He also said, "We are not sure it is legal for us to take patients who are involuntarily ordered to be here. We are looking into it. We may need some kind of special certification."

Another problem, Quint said, is security. The hospital's security arrangements, he said, are geared toward keeping unauthorized persons from entering, rather than keeping unwilling patients in.

"I hope we will be able to take committed patients," said Quint, "but each will have to be evaluated as a security risk."

Some county officials originally assumed the committed patient might have been turned away because he lacked funds. Keedy, Updegraff, and Commissioners Henry Oldenburg and Ken Krueger all expressed disappointment at the refusal to accept the patient.

Keedy and Oldenburg pointed out that the president of Heritage Health Care Corp., builder of the new hospital, had emphasized at a hearing last February that no patient would be refused for that reason.

Quint, who said he is chief of staff at the hospital but has no connection with the management, commented, "The county or state has some responsibility to pay for the services it wants."

He noted that the facility was privately built as a for-profit hospital and "if this place won't fly, it won't help anybody."

Quint said he works as a private psychiatrist in the hospital and "any patients I admit are my private patients, for a fee."

"This was not my patient. Nobody ever consulted me. He just arrived."

Bob Allison, attorney for the mental patient, said he had agreed

1. 27. 85.

Sunday

# Opinion— Find substitute for jailing mentally ill

Flathead County officials had hoped that the arrival of Glacier View Psychiatric Hospital would mean an end to locking up mental health patients in the county's woefully inadequate jail.

For years, the only place for persons cited under the mental health act, pending commitment to Warm Springs, has been the county jail. The jail has no proper facility. The incarceration is dehumanizing for the patient, painful for the family, and demoralizing for the jailer.

So when Heritage Health Care Corp. asked the state a year ago for a permit to build Glacier View, the jail administrator was among those supporting the proposal.

Included in the minutes of the hearing before the advisory Health Systems Agency, there are statements from Michael Cancelosi, Heritage's president. Cancelosi told the board that Glacier View would not deny access to the facility to any member of the community, regardless of ability to pay. At the same hearing, he said his firm would make arrangements with the county regarding who is going to pay for indigent or transient patients.

Taken together, the two statements seem to contradict each other. Nevertheless, from the attitude expressed at the hearing, the county believed it would have an alternative to locking up mental health patients in the old jail. It also seemed that Glacier View might be

an alternative to Warm Springs — "regardless of ability to pay."

But that evidently is not to be. One mental patient, committed to Glacier View, was turned away last week, at least partly because he was unable to pay. At a court hearing for another mental patient, a representative of Glacier View questioned that patient's ability to pay.

Now, you can't fault Glacier View for expecting to be paid for services rendered. Without income, the hospital would be quickly closed and could treat no one.

Yet, it seems there should be some accountability for the promises made at the application hearing. Will hospital policy now exclude all indigent patients? A minimum expectation would be some discussion with the county, as promised, regarding payment.

It's unreasonable to expect Glacier View to fill its beds with non-paying patients. It's just as unreasonable to expect the county to pick up the full \$195-per-day tab — even if it had the money. There must be some acceptable middle ground, but so far, although a year has passed since the hearing, the hospital hasn't spoken to the commissioners about payment.

It will be difficult to reach a fair and affordable agreement. But there must be at least an attempt to reconcile the performance with the promise.

# Families of the mentally ill search for sol

By ANNE CLARK

Of The Daily Laborer  
 ...of the Daily Laborer ...  
 ...of the Daily Laborer ...  
 ...of the Daily Laborer ...

**"It's a loved member of the family who is raising all kinds of hell" says one mother, who by state law is unable to have her child treated.**

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

...in the state ...  
 ...in the state ...  
 ...in the state ...

JAIL DEPLORABLE

I had often heard of the deplorable conditions of the county jail. But I was totally unprepared for, and was thoroughly shocked and angered by what I saw on a recent visit to a female mental patient being held pending a hearing. Absolutely no privacy; a toilet that wasn't working; no reasonable lavatory facility; and a hard, barren cot that can be best described as a torture rack, especially for an older patient.

Perhaps for someone locked up for a criminal act this can be considered part of the punishment. But since when have we reverted to the Dark Ages in punishing mental patients? They need our help and sympathy, not humiliating degradation and torture.

I cannot understand why Flathead County hasn't long since made some arrangement with the hospital for a security room where the patient would have the dignity of some privacy, a place to wash up, and a reasonable comfortable bed. Or why not use one of the many rooms at Courthouse East (the old hospital)? Certainly that would pose no great problem or expense.

--Frank Uhler  
Box 157  
Martin City

1st President of *FLAME* Group  
μ k Flathead.

EXHIBIT NO. 7 ps 8

DATE 3/15/89

FILE NO. HB 185

FLAME

(LOCAL AFFILIATE OF NAMI)

NATIONAL ALLIANCE FOR  
MENTAL ILLNESS

WRITE OR CALL

117 Rogers Road Columbia Falls  
59912

Box 249 Kalispell 59901

Phone  
892-3004  
752-2440  
257-1361  
257-1451

TO WHOM IT MAY CONCERN:

MENTAL ILLNESS does that label make you uneasy? Are you confused as to what the term means? Could embarrassment or pride be allowing you to hide this disability? Care to know more so the fear will subside? Care to take action so that the lot of patient and family can be alleviated?

At last a family and patient support group located in the Flathead Valley for those of us afflicted with mental illness.

We are organizing now and have felt the need to contact other families suffering with similar problems.

A movement is springing up all over the country at the grass roots. Here in Kalispell we call ourselves FLAME (Families Lovingly Allied For Mental Education). We meet the 1st Tuesday of the month at 7 P.M. at the Lamplighter House, No. 146, 3rd Ave. West, Kalispell. Please come to our meeting or feel free to call any number listed below for information or support in troubled times.

We of FLAME feel that by ignoring this disability harm is inflicted not just on the mentally ill themselves, but also on those who are involved and care about them. Education, cooperation and support could alleviate much suffering. We belong to a National Group the National Alliance for Mental Illness. There is a light at the end of the tunnel, a "flame" in the darkness.

Our main goal in the Flathead is to get mentally ill people who are involuntarily committed while waiting for a hearing, out of the County Jail.

Because of the confidentiality law and the desire for anonymity we ask you to write or call us to end isolation. We can talk about our shared misfortune. We care and share. We are just beginning. We need each other.

Now is the perfect opportunity  
.... join us.

Sincerely,  
FLAME  
(Affiliate of NAMI)

Write or Call  
117 Rogers Road Columbia Falls  
59912  
Box 249 Kalispell 59903-0249  
Or  
59901

Phone  
892-3004  
752-2440  
257-1361  
257-1451

WITNESS STATEMENT

NAME Evelyn Stratiff BUDGET \_\_\_\_\_

ADDRESS 24 South Ewing

WHOM DO YOU REPRESENT? Montana House

SUPPORT House <sup>bill</sup> 185 OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: I feel we need this bill - 185 to keep mentally ill people out of prison. they don't belong there. There are lot of <sup>other</sup> places to put them.

Multiple horizontal lines for additional handwritten text.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## WITNESS STATEMENT

NAME Judy Erickson BUDGET \_\_\_\_\_ADDRESS 422 North Last Chance GulchWHOM DO YOU REPRESENT? Montana HouseSUPPORT  OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: Please help our Mentally Ill  
out of Jail. I don't think it's right to  
put them in prison because of their  
emotional & mentally ill commitments.

That's what Hospitals are for.

I'm an epileptic & having emotional  
and other mental disabilities. If I was put  
under solitary confinement or in a cell, my  
emotions and seizures would occur.

Please find a place for our  
mentally ill and handicapped people instead  
of a jail cell, where more mental illness would  
end up taking affect

Thank - You

Judy L. Erickson  
3/15/89

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

*Ed. Grady's  
opening statement*

SENATE JUDICIARY

EXHIBIT NO. 10

DATE 3-15-85

BILL NO. HB 313

HB 313

HB 313 IS FOR THE PURPOSE OF REMOVING PROVISIONS FROM THE SKIER RESPONSIBILITY ACT WHICH THE SUPREME COURT FOUND UNCONSTITUTIONAL IN THE CASE OF BREWER V. SKI LIFT IN SEPTEMBER, 1988.

THE BILL DEFINES THE DUTIES OF SKI AREAS AND SKIERS.

AND ALSO DEFINES RISKS INHERENT IN THE SPORT OF SKIING.

RISKS INHERENT IN THE SPORT OF SKIING ARE RISKS OVER WHICH A SKI AREA HAS NO CONTROL.

THE SKI AREA HAS NO DUTY TO PROTECT A SKIER FROM INJURY FROM AN INHERENT RISK.

A SKIER WHO KNOWS THE SPORT IS DANGEROUS AND HAS INHERENT RISKS, YET VOLUNTARILY PARTICIPATES IN THE SPORT, ACCEPTS THE LEGAL RESPONSIBILITY FOR INJURY FROM THE INHERENT RISKS.

A SKI AREA, UNDER THE BILL, WOULD STILL BE LIABLE FOR INJURY TO A SKIER RESULTING FROM THE NEGLIGENCE OF THE SKI AREA.

(THIS WAS THE PROBLEM IN BREWER - UNDER THE OLD LAW A SKI AREA WAS NOT EVEN LIABLE FOR ITS OWN NEGLIGENCE - AT LEAST THAT IS HOW THE COURT INTERPRETED IT.)

EG/vm

WITNESS STATEMENT

NAME Dat Melby BUDGET HB 313  
ADDRESS P.O. Box 1144 Helena, MT 59624  
WHOM DO YOU REPRESENT? Mont' Ski Area Ass'n  
SUPPORT HB 313 OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: Have Bill 313 defines the duties of Ski areas and Skiers. It also defines inherent risks and provides that a skier accepts the legal responsibility for injury resulting from an inherent risk.

While the negligence of a skier and that of a ski area would be compared, acceptance of the legal responsibility for injuries resulting from an inherent risk would not, because there is no negligence of a ski area involved in the causation of such an injury.

A ski area does not owe a duty to a skier to protect the skier from injury ~~from an inherent risk~~ resulting from an inherent risk and a ski area is not negligent if ~~the~~ an injury is the result of an inherent risk.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## WITNESS STATEMENT

NAME GEO WILLETT BUDGET \_\_\_\_\_ADDRESS SHAWPOWEN SKI AREA NEIHART MTWHOM DO YOU REPRESENT? MONT SKI AREAS ASSOCSUPPORT  OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: IT IS IMPERATIVE THAT  
THE COMMITTEE MAINTAIN THE  
SEPERATION BETWEEN SKIER CONDUCT  
& THE SKIER'S ACCEPTANCE OF THE  
INHERENT RISKS IN THE SPORT OF SKIING  
SKIER'S CONDUCT IS JUDGED BY THE COMPARATIVE  
NEGLIGENCE LAWS OF THE  
STATE. THE ~~SKIER'S~~ INHERENT RISKS  
ARE ~~ACCEPTED~~ MUST BE ACCEPTED &  
ARE ACCEPTED BY THE SKIER & CAN NOT  
BE JUDGED BY THE COMPARATIVE NEGLIGENCE  
OF THE STATE & THE SKIER MUST  
ACCEPT ALL LEGAL RESPONSIBILITY  
FOR INJURY & DAMAGE AS A RESULT  
OF THE INHERENT RISKS IN THE  
SPORT OF SKIING. COMPARATIVE NEG-  
LEGENCE LAW CAN NOT APPLY TO  
THE INHERENT RISKS ACCEPTED BY  
THE SKIER IF INJURY OR DAMAGE  
RESULTS AS A RESULT OF THESE  
RISKS.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



SENATE JUDICIARY

EXHIBIT NO. 13

DATE 3-15-89

BILL NO. HB 313

TESTIMONY FOR HB 313

Montana is celebrating its centennial year. We are an independent bunch of western folks and proud to be Montanans.

As such we accept responsibility for our actions and expect others to do the same. We have created a difficult financial situation with state funding, and we have to accept reality and do something about it.

A skier is participating in a sport that has inherent risks. Every athletic activity has some risk involved.

As a ski area operator, we have a duty to provide reasonable care for its customers. This is no different, more or less, than any other business need provide for its customers.

By approving this bill, we will better define both the customer's and the operator's risks for participating in the sport.

We are not asking to be relieved of responsibility but attempting in the only way we have available to us of protecting ourselves from claims that are in fact risks of the sport.

To fall down and injure yourself while skiing is an everyday event at all ski areas. If we have to defend ourselves in all cases, we will not be able to afford attorney's fees or insurance payments.

Please take this bill for its true value to us as Montanans and let common sense and responsibility continue to be a proud Montana tradition.

Thanks for your consideration.

Sincerely

A handwritten signature in cursive script, appearing to read "Terry Abelin".

Terry Abelin  
General Manager

TA:so

WITNESS STATEMENT

NAME NORMAN F. KURTZ BUDGET \_\_\_\_\_

ADDRESS THE BIG MOUNTAIN - P.O. BOX 1400 WHITEFISH MT

WHOM DO YOU REPRESENT? THE SKI AREAS OF MONTANA

SUPPORT HB 313 OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: A SKIER SINCE 1943, I SUPPORT THE CLARIFICATION OF THE SKIER RESPONSIBILITY LAW OR ACT AS IT POINTS OUT FAIRLY THE RESPONSIBILITIES OF AREA OPERATORS AND THE RESPONSIBILITY OF SKIERS TO THEMSELVES AND EACH OTHER.

OTHER TESTIMONY IS ORAL AND UNWRITTEN.

I URGE SUPPORT OF THIS MEASURE.

*Norman F. Kurtz*

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Tim Praether

SENATE JUDICIARY

EXHIBIT NO. 15

DATE 3-15-89

BILL NO. HB 313

For Record - My NAME

FOR REASONS THAT HAVE ALREADY  
BEEN STATED I Support HB 313

FURTHER ADD

THERE IS NO FREEDOM LIKE THE SPORT  
OF SKIING -

AN UNDERSTANDING BY <sup>SKIERS</sup> ~~THE~~ ~~SKI~~ ~~AREA~~ <sup>RESPECTIVE</sup> SKI AREA  
OPERATORS OF THEIR DUTIES  
AND OF THE INHERANT RISKS  
OF THE SPORT WILL PRESERVE  
THIS FREEDOM -

I URGE Your Support

## WITNESS STATEMENT

NAME Michael Sherwood BUDGET \_\_\_\_\_

ADDRESS \_\_\_\_\_

WHOM DO YOU REPRESENT? \_\_\_\_\_

SUPPORT \_\_\_\_\_ OPPOSE HB 313 unless AMENDCOMMENTS: amended adopted as amended in House

This Bill was heard in house judiciary. Amendments were submitted by proponents and opponents. The committee adopted amendments from both sides. Before this bill was heard on the House floor Mr. Melby asked whether I would refrain from attempts at further amendments or killing the bill, if the proponents would like wise refrain from further attempts to amend the bill. I agreed

While I have risen as an opponent, I have no objection to the passage of this bill provided the house amendments are adopted.

We feel that the compromise is an educated and thoughtful one - one which will be acceptable to this committee and the legislature as a

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

whole.

Amendments to House Bill No. 489  
Third Reading Copy (BLUE)

Requested by Senator Halligan  
For the Committee on Judiciary

Prepared by Valencia Lane  
March 14, 1989

1. Title, line 4.  
Strike: "DELETING"  
Insert: "INCREASING THE PENALTY FOR"
  
2. Title, lines 6 and 7.  
Following: "EXPLOSION" on line 6  
Strike: remainder of line 6 through "CONDUCT" on line 7
  
3. Page 2, line 1.  
Strike: "or"
  
4. Page 2, line 3.  
Following: "purpose"  
Insert: "; or  
(j) transmitting a false report or warning of an  
impending explosion in such a place that its occurrence  
would endanger human life"
  
5. Page 2, line 4.  
Following: "(2)"  
Strike: "A"  
Insert: "Except as provided in subsection (3), a"
  
6. Page 2.  
Following: line 7  
Insert: "(3) A person convicted of a violation of subsection  
(1)(j) shall be punished by imprisonment for a term of not  
less than 30 days, at least 48 hours of which must be served  
consecutively, or more than 1 year, to which may be added,  
in the discretion of the court, a fine of not less than \$500  
or more than \$1,000."

House BILL NO. 481  
Rice

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT ~~DELETING~~ <sup>INCREASING THE PENALTY FOR</sup> THE

TRANSMISSION OF A FALSE REPORT OR WARNING OF AN IMPENDING

EXPLOSION ~~FROM THE LIST OF ACTS THAT CONSTITUTE DISORDERLY~~

~~CONDUCT~~; AND AMENDING SECTION 45-8-101, MCA."

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

Section 1. Section 45-8-101, MCA, is amended to read:

"45-8-101. Disorderly conduct. (1) A person commits

the offense of disorderly conduct if he knowingly disturbs

the peace by:

(a) quarreling, challenging to fight, or fighting;

(b) making loud or unusual noises;

(c) using threatening, profane, or abusive language;

(d) discharging firearms;

(e) rendering vehicular or pedestrian traffic

impassable;

(f) rendering the free ingress or egress to public or

private places impassable;

(g) disturbing or disrupting any lawful assembly or

public meeting;

(h) transmitting a false report or warning of a fire or

impending ~~explosion~~ or other catastrophe in such a place

1 that its occurrence would endanger human life; ~~or~~

2 (i) creating a hazardous or physically offensive <sup>condition by any act that serves no legitimate purpose</sup>

3 ~~condition by any act that serves no legitimate purpose~~ <sup>Except as provided in subsection (3), a</sup>

4 ~~(2) a person convicted of the offense of disorderly~~ <sup>(2) a person convicted of the offense of disorderly</sup>

5 ~~conduct shall be fined not to exceed \$100 or be imprisoned~~

6 ~~in the county jail for a term not to exceed 10 days, or~~

7 ~~both."~~

-End-

(3) a person convicted of a violation of subsection (1)(j) - - -  
see # 6

THIRD READING  
HB 489



Monday  
March 13, 1989  
SENATE JUDICIARY

SENATE NO. \_\_\_\_\_

DATE 3-15-89

BILL NO. HB 185

To Whom It May Concern,

I want it known that I support House Bill #185. Furthermore, I ask your support in voting for it.

As a mentally ill person, one of my biggest fears is being put in a jail setting pending treatment. I can't see why we should be put at jeopardy by being exposed to a criminal element while in our weakened state. Thank you for your time.

Sincerely,

Kenneth C. Aiello



Senate Bill no. 185

I support Senate Bill no. 185.

I think it is not right to have them  
stay in jail.

It is against our freedom of Government.

Major E. C. Ollw

WITNESS STATEMENT

NAME TOM POSEY BUDGET \_\_\_\_\_  
 ADDRESS 17 W. MEADOW - BILLINGS MT  
 WHOM DO YOU REPRESENT? ALLIANCE FOR THE MENTALLY ILL  
 SUPPORT HB 185 OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

3-15-89

WITNESS STATEMENT

NAME DAVID MISTLET BUDGET \_\_\_\_\_

ADDRESS 220 9th Ave W H3

WHOM DO YOU REPRESENT? Flathead Consumer Council

SUPPORT  OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS:

Consumer are the Mentally Ill

Multiple horizontal lines for additional handwritten input.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



HB 185  
3-15-87

WITNESS STATEMENT

NAME PAT HEFFERNAN BUDGET \_\_\_\_\_

ADDRESS 306 LAWRENCE

WHOM DO YOU REPRESENT? \_\_\_\_\_

SUPPORT  \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: \_\_\_\_\_

---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Senate Bill no. 185

I support Senate Bill no. 185.

I think it is not right to have them  
stay in jail.

It is against our freedom of Government

Major E. C. Ollw

March 13 - 1  
Monday  
SENATE JUDICIARY

~~NUMBER~~  
DATE 3-15-89  
BILL NO. HB 183

Dear Senators:

I support, believe in,  
the Senate Bill 185. It  
is to keep mentally ill  
out of jail. Jail is not  
for mentally ill persons.

Sincerely  
Nancy Welch

3-15-89

I support Bill 185 and  
believe the mentally  
ill need a hospital  
instead of jail.

Dorothy Lee



SENATE JUDICIARY

EXHIBIT NO. \_\_\_\_\_

DATE \_\_\_\_\_

BILL NO. \_\_\_\_\_

I support

House bill 185. I was in jail not  
for mental illness but I know  
for a fact jails are not ~~meant~~<sup>meant</sup>  
to hold mentally ill patients.

we have

Rights, the same rights as any  
ill people.

VISITORS' REGISTER

| NAME               | REPRESENTING                  | BILL # | Check One |                                     |
|--------------------|-------------------------------|--------|-----------|-------------------------------------|
|                    |                               |        | Support   | Oppose                              |
| Mice E. Kowacki    | Self                          | SB.164 |           | <input checked="" type="checkbox"/> |
| TOM POSEY          | ALLIANCE FOR THE NEUROSCIENCE | HB185  | X         |                                     |
| Mary Jane Fry      | self                          | HB185  | X         |                                     |
| Pat Heffernan      |                               | HB185  | X         |                                     |
| Evelyn Stratiff    | self                          |        |           |                                     |
| Steve Walker       | Mental Health Center          | HB185  | X         |                                     |
| Marjorie Mould     |                               |        |           |                                     |
| Mary Gallagher     | BOV                           | HB185  | X         |                                     |
| Kelly Moorse       | BOV                           | HB185  | X         |                                     |
| Christie Buch      |                               | 185    |           |                                     |
| Patricia Andress   |                               |        |           |                                     |
| Paul J. Campanella | Mental Health Ctr             |        |           |                                     |
| Chuck O'Reilly     | Mt. Shennep + Peace Officers  | 185    | X         |                                     |

DATE 3-15-89

COMMITTEE ON Senate Judiciary

202

VISITORS' REGISTER

| NAME                  | REPRESENTING                       | BILL #        | Check One |      |
|-----------------------|------------------------------------|---------------|-----------|------|
|                       |                                    |               | Support   | Oppo |
| Lynn K. Dahl          | Missoula MT                        | 185           | ✓         |      |
| Laura M. Kildahl      | Missoula, MT                       | 185           | ✓         |      |
| Pat Melby             | Mont. Shi An Assn                  | 48313         | ✓         |      |
| <b>GEO WILLIET</b>    | <b>Shawmon Salmon</b>              | <b>HB 313</b> | ✓         |      |
| Tim Prather           | RED LODGE MOUNTAIN                 | HB 313        | ✓         |      |
| Dorothy Poe           | Kalispell MT                       | HB 185        | ✓         |      |
| Loyallshaw            | Kalispell mont.                    | HB 185        | ✓         |      |
| Dianna Coone          | Kalispell mt                       | HB 185        | ✓         |      |
| Terry Abein           | Bridger Bowl Ski Area              | HB 313        | ✓         |      |
| Judy L. Erickson      | Helena                             | HB 185        | ✓         |      |
| Jane Keldrich         | Helena Mont.                       | HB 185        | ✓         |      |
| Robert Bauman         | Helena MT                          | HB 185        | ✓         |      |
| Evelyn Stratiff       | " "                                | HB 185        | ✓         |      |
| <b>BILL FEINER</b>    | Montana Sheriff's & Peace OFFICERS | HB 185        | ✓         |      |
| Christie Morrison     | MT council of Mental Health        | HB 155        | ✓         |      |
| Jane Foster           | Helena MT                          |               |           |      |
| Margaret Bines-Muller | Helena TRANSITIONAL T-House        | HB 185        | ✓         |      |
| Kevin Taylor          | Monksville MT                      | HB 313        | ✓         |      |