

1 *MULLAR House* BILL NO. *640* *Santhosh*
 2 INTRODUCED BY *Murphy, Lester, Frank, Lynch, King*
 3 *O'Connell, Traves, Huendelman, Menahan, Sullivan, Dal*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFICE OF
 5 PATIENTS' ATTORNEY FOR MONTANA'S MENTAL HEALTH CARE
 6 PATIENTS." *TEASOE, McFadden, VINCENT, Maynard*
 7 *Harper, Propola, McKittrick, Kille*

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Creation of office of patients' attorney --
 10 allocation. (1) There is created the office of patients'
 11 attorney. The office is allocated to the department of
 12 institutions for administrative purposes only as prescribed
 13 in section 82A-108.

14 (2) A committee composed of the governor, speaker of
 15 the house, president of the senate, majority and minority
 16 leader from the house and senate, two (2) employees from
 17 state mental health institutions, and two (2)
 18 representatives of families with relatives who are
 19 institutionalized, shall appoint the patients' attorney for
 20 a term of two (2) years. A vacancy shall be filled in the
 21 same manner as the original appointment.

22 (3) The patients' attorney shall:
 23 (a) be an attorney licensed to practice law in the
 24 state of Montana; and
 25 (b) devote full time to his duties as patients'

1 attorney and not engage in the private practice of law.
 2 (4) The salary for the patients' attorney shall be set
 3 by the legislature.

4 Section 2. Powers and duties of patients' attorney.

5 (1) The patients' attorney shall:
 6 (a) counsel patients at the state of Montana's mental
 7 health care institutions concerning their human and civil
 8 rights;

9 (b) bring any action that he considers appropriate to
 10 safeguard the patients' human or civil rights against any
 11 person or agency;

12 (c) have complete and free access to patients in
 13 Montana's mental health care institutions at all times; and

14 (d) be the attorney for any patient in any of
 15 Montana's mental health care institutions.

16 Section 3. Operating expenses. The patients' attorney
 17 may employ such employees as may be required to carry out
 18 his duties under this act. All expenditures of the
 19 patients' attorney, included but not limited to salaries,
 20 traveling expenses, office rent, office equipment and
 21 supplies, shall be paid out of the appropriations to the
 22 office the legislature may appropriate.

-End-

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O'CONNELL, HUENNEKENS, MENAHAN, QUILICI, SOUTH, TRAVIS,
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PERSONNEL, AND SECTION 82A-108(2)(D) DOES NOT APPLY.

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