

HOUSE BILL 885

IN THE HOUSE

February 20, 1979	Introduced and referred to Committee on Judiciary.
February 20, 1979	Committee recommend bill, do pass.
February 22, 1979	Second reading, as amended, do not pass.

1 HOUSE BILL NO. 885
2 INTRODUCED BY Keady

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDEFINE THE TERM
5 "SERIOUSLY MENTALLY ILL"; AMENDING SECTION 53-21-102, MCA."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 53-21-102, MCA, is amended to read:
9 "53-21-102. Definitions. As used in this part, the
10 following definitions apply:

11 (1) "Board" or "mental disabilities board of visitors"
12 means the mental disabilities board of visitors created by
13 2-15-211.

14 (2) "Court" means any district court of the state of
15 Montana.

16 (3) "Department" means the department of institutions
17 provided for in Title 2, chapter 15, part 23.

18 (4) "Emergency situation" means a situation in which
19 any person is in imminent danger of death or serious bodily
20 harm from the activity of a person who appears to be
21 seriously mentally ill.

22 (5) "Mental disorder" means any organic, mental, or
23 emotional impairment which has substantial adverse effects
24 on an individual's cognitive or volitional functions.

25 (6) "Mental health facility" or "facility" means a

1 public hospital or a licensed private hospital which is
2 equipped and staffed to provide treatment for persons with
3 mental disorders or a community mental health center or any
4 mental health clinic or treatment center approved by the
5 department. No correctional institution or facility or jail
6 is a mental health facility within the meaning of this part.

7 (7) "Next of kin" shall include but need not be
8 limited to the spouse, parents, adult children, and adult
9 brothers and sisters of a person.

10 (8) "Patient" means a person committed by the court
11 for treatment for any period of time.

12 (9) "Peace officer" means any sheriff, deputy sheriff,
13 marshal, policeman, or other peace officer.

14 (10) "Professional person" means:
15 (a) a medical doctor; or
16 (b) a person trained in the field of mental health and

17 certified by the department in accordance with standards of
18 professional licensing boards, federal regulations, and the
19 joint commission on accreditation of hospitals.

20 (11) "Reasonable medical certainty" means reasonable
21 certainty as judged by the standards of a professional
22 person.

23 (12) "Respondent" means a person alleged in a petition
24 filed pursuant to this part to be seriously mentally ill.

25 (13) "Responsible person" means any person willing and

1 able to assume responsibility for a seriously mentally ill
2 person or person alleged to be seriously mentally ill,
3 including next of kin, the person's conservator or legal
4 guardian, if any, representatives of a charitable or
5 religious organization, or any other person appointed by the
6 court to perform the functions of a responsible person set
7 out in this part. Only one person may at any one time be the
8 responsible person within the meaning of this part. In
9 appointing a responsible person, the court shall consider
10 the preference of the respondent. The court may at any time,
11 for good cause shown, change its designation of the
12 responsible person.

13 (14) "Seriously mentally ill" means suffering from a
14 mental disorder which has resulted in self-inflicted injury
15 or injury to others ~~or the imminent threat thereof or~~ which
16 has deprived the person afflicted of the ability to protect
17 his life or health. No person may be involuntarily committed
18 to a mental health facility or detained for evaluation and
19 treatment because he is an epileptic, mentally deficient,
20 mentally retarded, senile, or suffering from a mental
21 disorder unless the condition causes him to be seriously
22 mentally ill within the meaning of this part.

23 (15) "State hospital" means the Warm Springs state
24 hospital."

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