

House Bill 169

In The House

January 12, 1981	Introduced and referred to Committee on State Administration.
January 21, 1981	Committee recommend bill do not pass.
January 22, 1981	Reconsidered vote. Referred back to Committee.
April 23, 1981	Died in Committee.

1 HOUSE BILL NO. 169
 2 INTRODUCED BY *Historia Richard D. Henning League Meyer*
 3 *Senstad*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
 5 DEPARTMENT OF INSTITUTIONS TO BEAR THE COST OF A PSYCHIATRIC
 6 EXAMINATION OF A DEFENDANT IN A CRIMINAL CASE; AMENDING
 7 SECTIONS 46-14-202 AND 53-21-132, MCA."

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

9 Section 1. Section 46-14-202, MCA, is amended to read:

10 "46-14-202. Psychiatric examination of defendant. (1)
 11 When there is reason to doubt the defendant's fitness to
 12 proceed or reason to believe that mental disease or defect
 13 of the defendant will otherwise become an issue in the
 14 cause, the court shall appoint at least one qualified
 15 psychiatrist or shall request the superintendent of Warm
 16 Springs state hospital to designate at least one qualified
 17 psychiatrist, which designation may be or include himself,
 18 to examine and report upon the mental condition of the
 19 defendant.

20 (2) The court may order the defendant to be committed
 21 to a hospital or other suitable facility for the purpose of
 22 the examination for a period of not exceeding 60 days or
 23 such longer period as the court determines to be necessary
 24 for the purpose and may direct that a qualified psychiatrist
 25

1 retained by the defendant be permitted to witness and
 2 participate in the examination.

3 (3) In the examination any method may be employed
 4 which is accepted by the medical profession for the
 5 examination of those alleged to be suffering from mental
 6 disease or defect.

7 ~~(4) The cost of the examination and any related~~
 8 ~~expenses such as transportation must be paid by the~~
 9 ~~department of institutions."~~

10 Section 2. Section 53-21-132, MCA, is amended to read:

11 "53-21-132. Cost of examination and commitment. (1)
 12 The cost of the examination, committal, and taking a person
 13 who is seriously mentally ill to a mental health facility
 14 must be paid by the county in which he resides at the time
 15 he is adjudged to be seriously mentally ill. The sheriff
 16 must be allowed the actual expenses incurred in taking a
 17 person who is seriously mentally ill to the facility, as
 18 provided by 7-32-2144.

19 (2) The county of residence shall also pay all
 20 precommitment expenses, including transportation to a mental
 21 health facility, incurred in connection with the detention,
 22 examination, and precommitment custody of the respondent.
 23 The fact that a person is examined, hospitalized, or
 24 receives medical, psychological, or other mental health
 25 treatment pursuant to this part does not relieve a third

LC 0630/01

1 party from a contractual obligation to pay for the cost of
2 the examination, hospitalization, or treatment.

3 (3) The provisions of this section do not apply to a
4 psychiatric examination performed under 46-14-202a."

-End-