

Senate Bill 271

In The Senate

January 24, 1981	Introduced and referred to Committee on State Administration.
February 12, 1981	Committee recommend bill do pass.
February 13, 1981	Bill printed and placed on members' desks.
February 14, 1981	Second reading do pass.
February 16, 1981	Correctly engrossed.
February 17, 1981	Third reading passed.

In The House

February 18, 1981	Introduced and referred to Committee on Human Services.
March 12, 1981	Committee recommend bill do pass as amended.
March 19, 1981	Second reading not concurred.

In The Senate

March 20, 1981	Returned from House not concurred.
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1 *Chase* BILL NO. 77
2 INTRODUCED BY Kyan

3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
6 DEPARTMENT OF INSTITUTIONS IS NOT REQUIRED THROUGH ITS
7 PAROLE OFFICERS TO SUPERVISE PATIENTS RELEASED FROM WARM
8 SPRINGS STATE HOSPITAL; AMENDING SECTION 46-14-302, MCA."

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

11 Section 1. Section 46-14-302, MCA, is amended to read:

12 "46-14-302. Discharge or release upon motion of

13 superintendent. (1) If the superintendent of Warm Springs

14 state hospital believes that a person committed to his

15 custody under 46-14-301 may be discharged or released on

16 condition without danger to himself or others, he shall make

17 application for the discharge or release of the person in a

18 report to the court by which the person was committed and

19 shall send a copy of the application and report to the

20 county attorney of the county from which the defendant was

21 committed.

22 (2) The court shall then appoint at least two
23 qualified psychiatrists to examine the person and to report
24 their opinion as to his mental condition within 60 days or a
25 longer period which the court determines to be necessary for

1 the purpose. To facilitate the examinations and the
2 proceedings thereon, the court may have the person confined
3 in any institution located near the place where the court
4 sits which may hereafter be designated by the superintendent
5 of Warm Springs state hospital as suitable for the temporary
6 detention of irresponsible persons.

14 (4) If the court is not satisfied, it shall promptly
15 order a hearing to determine whether the person may safely
16 be discharged or released. A hearing is considered a civil
17 proceeding, and the burden is upon the committed person to
18 prove by a preponderance of the evidence that he may safely
19 be discharged or released. According to the determination
20 of the court upon the hearing, the committed person shall
21 then be discharged or released on conditions which the court
22 determines to be necessary or shall be recommitted to the
23 custody of the superintendent of Warm Springs State
24 hospital, subject to discharge or release only in accordance
25 with the procedures prescribed in this section and

1 46-14-303.

2 (5) No person who is conditionally released may be
3 placed under supervision of the probation or parole officers
4 of the department of institutions."

-End-

Approved by Committee
on State Administration

Spence BILL NO. 271

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5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
7 8 DEPARTMENT OF INSTITUTIONS IS NOT REQUIRED THROUGH ITS
9 10 PAROLE OFFICERS TO SUPERVISE PATIENTS RELEASED FROM WARM
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19 20 superintendent. (1) If the superintendent of Warm Springs
21 22 state hospital believes that a person committed to his
23 24 custody under 46-14-301 may be discharged or released on
25 26 condition without danger to himself or others, he shall make
27 28 application for the discharge or release of the person in a
29 30 report to the court by which the person was committed and
31 32 shall send a copy of the application and report to the
33 34 county attorney of the county from which the defendant was
35 36 committed.

37 38 (2) The court shall then appoint at least two
39 40 qualified psychiatrists to examine the person and to report
41 42 their opinion as to his mental condition within 60 days or a
43 44 longer period which the court determines to be necessary for

1 2 the purpose. To facilitate the examinations and the
3 4 proceedings thereon, the court may have the person confined
5 6 in any institution located near the place where the court
6 7 sits which may hereafter be designated by the superintendent
7 8 of Warm Springs state hospital as suitable for the temporary
8 9 detention of irresponsible persons.

9 10 (3) If the court is satisfied by the report filed
10 11 under subsection (1) of this section and the testimony of
11 12 the reporting psychiatrists which the court considers
12 13 necessary that the committed person may be discharged or
13 14 released on condition without danger to himself or others,
14 15 the court shall order his discharge or his release on
15 16 conditions which the court determines to be necessary.

17 18 (4) If the court is not satisfied, it shall promptly
18 19 order a hearing to determine whether the person may safely
19 20 be discharged or released. A hearing is considered a civil
20 21 proceeding, and the burden is upon the committed person to
21 22 prove by a preponderance of the evidence that he may safely
22 23 be discharged or released. According to the determination
23 24 of the court upon the hearing, the committed person shall
24 25 then be discharged or released on conditions which the court
25 26 determines to be necessary or shall be recommitted to the
26 27 custody of the superintendent of Warm Springs state
27 28 hospital, subject to discharge or release only in accordance
28 29 with the procedures prescribed in this section and

29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 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1 46-14-303.

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3 placed under supervision of the probation or parole officers
4 of the department of institutions."

-End-

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-End-

HUMAN SERVICES COMMITTEE OF THE HOUSE
HOUSE AMENDMENTS TO SB 271

March 11, 1981

1. Title, line 7.

Following: "PATIENTS"

Insert: "CONDITIONALLY"