

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 *Amended* BILL NO. 271
 2 INTRODUCED BY *Ryan*
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
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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."
 9

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.

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

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

LC 0500/01

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

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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"