

HOUSE BILL NO. 332

Introduced: 01/18/83

Referred to Committee on Judiciary: 01/18/83

Hearing: 1/28/83

Report: 01/31/82, Do Not Pass

Bill Killed: 02/01/83

1 House BILL NO. 332
2 INTRODUCED BY Rossell, Hays, Appleman, Jeff
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE STATE'S
6 LIABILITY FOR THE COST OF A MENTAL EVALUATION OR COMMITMENT
7 OF A CRIMINAL DEFENDANT AND THE RELATED TRANSPORTATION COSTS
8 IF THE EVALUATION OR COMMITMENT IS DONE AT A FACILITY OTHER
9 THAN A STATE INSTITUTION; AMENDING SECTION 46-14-202, MCA."
10

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

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

13 "46-14-202. Psychiatric examination of defendant. (1)

14 If the defendant or his counsel files a written notice of
15 his intent to rely on a mental disease or defect under
16 46-14-201 or raises the issue of his fitness to proceed, the
17 court shall appoint at least one qualified psychiatrist or
18 shall request the superintendent of Warm Springs state
19 hospital to designate at least one qualified psychiatrist,
20 which designation may be or include himself, to examine and
21 report upon the mental condition of the defendant.

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

1 for the purpose and may direct that a qualified psychiatrist
2 retained by the defendant be permitted to witness and
3 participate in the examination.

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

8 ~~(4) The expenses of sending a defendant for evaluation~~
9 ~~or commitment, evaluating a defendant, and returning a~~
10 ~~defendant to the appropriate jurisdiction are not chargeable~~
11 ~~to the state under this section or 46-14-221 unless the~~
12 ~~evaluation or commitment is at a state institution."~~

-End-

INTRODUCED BILL

STATE OF MONTANA

REQUEST NO. 169-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 19 83, there is hereby submitted a Fiscal Note for House Bill 332 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 332 removes the state's liability for the cost of a mental evaluation or commitment of a criminal defendant and the related transportation costs if the evaluation or commitment is done at a facility other than a state institution.

ASSUMPTIONS:

- 1) The Department of Institutions will not pay for sending a defendant for evaluation or commitment, evaluating a defendant, and returning a defendant to the appropriate jurisdiction unless the evaluation is at a state institution. (Commitments to the prison are paid by the Department of Justice.)
- 2) The Department of Institutions has never incurred such expenses in the past.

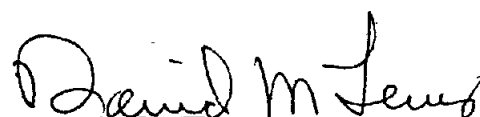
FISCAL IMPACT:FY 84FY 85

Department of Institutions

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FISCAL NOTE 7:B/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-25-83