

HOUSE BILL NO. 792

INTRODUCED BY WINSLOW

IN THE HOUSE

February 5, 1983	On motion, rules suspended. Bill allowed to be introduced.
February 14, 1983	Introduced and referred to Committee on Human Services.
February 18, 1983	Committee recommend bill do pass. Report adopted.
February 19, 1983	Bill printed and placed on members' desks. Second reading, do pass as amended.
February 22, 1983	Correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 21, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 23, 1983	Second reading, concurred in.
March 25, 1983	Third reading, concurred in. Ayes, 48; Noes, 1.

IN THE HOUSE

March 25, 1983	Returned to House with amendments.
March 31, 1983	Second reading, pass consideration.
April 1, 1983	Second reading, pass consideration.
April 4, 1983	Second reading, amendments concurred in.
April 5, 1983	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW EMERGENCY
 5 ADMISSIONS TO THE STATE HOSPITAL FROM A LOCAL FACILITY THAT
 6 DOES NOT HAVE AVAILABLE SPACE TO DETAIN A PERSON WHO APPEARS
 7 TO BE SERIOUSLY MENTALLY ILL; AMENDING SECTION 53-21-129,
 8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 53-21-129, MCA, is amended to read:
 12 "53-21-129. Emergency situation -- petition --
 13 detention. (1) When an emergency situation exists, a peace
 14 officer may take any person who appears to be seriously
 15 mentally ill and as a result of serious mental illness to be
 16 a danger to others or to himself into custody only for
 17 sufficient time to contact a professional person for
 18 emergency evaluation. If possible, a professional person
 19 should be called prior to taking the person into custody.
 20 (2) If the professional person agrees that the person
 21 detained appears to be seriously mentally ill and that an
 22 emergency situation exists, then the person may be detained
 23 and treated as provided in subsection (3) or until the next
 24 regular business day. At that time, the professional person
 25 shall release the detained person or file his findings with

1 the county attorney who, if he determines probable cause to
 2 exist, shall file the petition provided for in 53-21-121
 3 through 53-21-126 in the county of the respondent's
 4 residence. In either case, the professional person shall
 5 file a report with the court explaining his actions.
 6 (3) The county attorney of any county may make
 7 arrangements with any federal, state, regional, or private
 8 mental facility or with a mental health facility in any
 9 county for the detention of persons held pursuant to this
 10 section. ~~Whenever an arrangement has been made with a~~
 11 ~~facility that does not, at the time of the emergency, have~~
 12 ~~adequate room available to detain the person at that~~
 13 ~~facility, the person may be transported to the state~~
 14 ~~hospital for examination and treatment as provided in this~~
 15 ~~part. This determination must be made on an individual~~
 16 ~~basis in each case, and the professional person at the local~~
 17 ~~facility must certify to the county attorney that the~~
 18 ~~facility does not have adequate room at that time."~~
 19 NEW SECTION. Section 2. Effective date. This act is
 20 effective on passage and approval.

-End-

INTRODUCED BILL

Approved by Comm. on Human Services

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the county attorney who, if he determines probable cause to exist, shall file the petition provided for in 53-21-121 through 53-21-126 in the county of the respondent's residence. In either case, the professional person shall file a report with the court explaining his actions.

(3) The county attorney of any county may make arrangements with any federal, state, regional, or private mental facility or with a mental health facility in any county for the detention of persons held pursuant to this section. ~~Whenever an arrangement has been made with a facility that does not, at the time of the emergency, have adequate room A BED available to detain the person at that facility, the person may be transported to the state hospital for examination DEENTIION and treatment as provided in this part. This determination must be made on an individual basis in each case, and the professional person at the local facility must certify to the county attorney that the facility does not have adequate room at that time.~~

~~(4) HOWEVER, BEFORE ANY PERSON IS TRANSFERRED TO THE STATE HOSPITAL UNDER THIS SECTION, THE STATE HOSPITAL MUST BE NOTIFIED PRIOR TO TRANSFER AND MUST STATE THAT A BED IS AVAILABLE FOR THE PERSON."~~

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-

March 21, 1983

Senate Standing Committee Report
(Public Health, Welfare & Safety)

That House Bill No. 792, be amended as follows:

1. Page 1, line 23.

Strike: "as provided in subsection (3) or"

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