

HOUSE BILL NO. 737

INTRODUCED BY D. BROWN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

FEBRUARY 13, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 19, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1987 PRINTING REPORT.

FEBRUARY 21, 1987 SECOND READING, DO PASS.

FEBRUARY 23, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 97; NOES, 1.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 26, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 30, 1987 SECOND READING, CONCURRED IN.

 ON MOTION, RULES SUSPENDED AND BILL
 PLACED ON THIRD READING THIS DAY.

 THIRD READING, CONCURRED IN.
 AYES, 50; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 31, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 HOUSE BILL NO. 737
 2 INTRODUCED BY Don Brown
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE
 6 PROFESSIONAL PERSON IN CHARGE OF A PATIENT AT THE MONTANA
 7 STATE HOSPITAL TO FILE A PETITION FOR AN EXTENSION OF
 8 INVOLUNTARY COMMITMENT IN THE DISTRICT COURT OF THE COUNTY
 9 IN WHICH THE PATIENT IS DETAINED; AND AMENDING SECTION
 10 53-21-128, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 53-21-128, MCA, is amended to read:
 14 "53-21-128. Petition for extension of commitment
 15 period. (1) (a) Not less than 2 calendar weeks prior to the
 16 end of the 3-month period of detention provided for in
 17 53-21-127(2), the professional person in charge of the
 18 patient at the place of detention may petition the district
 19 court in the county where the patient is detained for
 20 extension of the detention period, unless otherwise ordered
 21 by the original committing court. The petition shall be
 22 accompanied by a written report and evaluation of the
 23 patient's mental and physical condition. The report shall
 24 describe any tests and evaluation devices which have been
 25 employed in evaluating the patient, the course of treatment

1 which has been undertaken for the patient, and the future
 2 course of treatment anticipated by the professional person.

3 (b) Upon the filing of the petition, the court shall
 4 give written notice of the filing of the petition to the
 5 patient, his next of kin, if reasonably available, the
 6 friend of respondent appointed by the court, and the
 7 patient's counsel. If any person so notified requests a
 8 hearing prior to the termination of the previous detention
 9 authority, the court shall immediately set a time and place
 10 for a hearing on a date not more than 10 days from the
 11 receipt of the request and notify the same people, including
 12 the professional person in charge of the patient. If a
 13 hearing is not requested, the court shall enter an order of
 14 commitment for a period not to exceed 6 months.

15 (c) Procedure on the petition for extension when a
 16 hearing has been requested shall be the same in all respects
 17 as the procedure on the petition for the original 3-month
 18 commitment except the patient is not entitled to trial by
 19 jury. The hearing shall be held in the district court
 20 having jurisdiction over the facility in which the patient
 21 is detained unless otherwise ordered by the court. Court
 22 costs and witness fees, if any, shall be paid by the county
 23 that paid the same costs in the initial commitment
 24 proceedings.

25 (d) If upon the hearing the court finds the patient



1 not seriously mentally ill within the meaning of this part,
 2 he shall be discharged and the petition dismissed. If the
 3 court finds that the patient continues to suffer from
 4 serious mental illness, the court shall order commitment,
 5 custody in relatives, outpatient therapy, or other order as
 6 set forth in 53-21-127(2) except that no order may affect
 7 his custody for more than 6 months. In its order, the court
 8 shall describe what alternatives for treatment of the
 9 patient are available, what alternatives were investigated,
 10 and why the investigated alternatives were not deemed
 11 suitable. The court shall not order continuation of an
 12 alternative which does not include a comprehensive,
 13 individualized plan of treatment for the patient. A court
 14 order for the continuation of an alternative shall include a
 15 specific finding that a comprehensive, individualized plan
 16 of treatment exists.

17 (2) Further extensions may be obtained under the same
 18 procedure described in subsection (1) of this section except
 19 that the patient's custody may not be affected for more than
 20 1 year without a renewal of the commitment under the
 21 procedures set forth in subsection (1) of this section,
 22 including a statement of the findings required by subsection
 23 (1)."

24 NEW SECTION. Section 2. Extension of authority. Any
 25 existing authority of the department of institutions to make

1 rules on the subject of the provisions of this act is
 2 extended to the provisions of this act.

-End-

APPROVED BY COMMITTEE
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