

SENATE BILL NO. 442

INTRODUCED BY LYNCH

BY REQUEST OF THE DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
FEBRUARY 17, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 18, 1989	PRINTING REPORT.
FEBRUARY 20, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 28, 1989	FIRST READING.
MARCH 22, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 28, 1989	SECOND READING, CONCURRED IN.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 78; NOES, 20.
	RETURNED TO SENATE.

MARCH 29, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Smith* BILL NO. 442
2 INTRODUCED BY *Smith*
3 BY REQUEST OF THE DEPARTMENT OF
4 HEALTH AND ENVIRONMENTAL SCIENCES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EMERGENCY
7 DETAINMENT OF A PERSON WHO IS SUSPECTED OF HAVING
8 COMMUNICABLE TUBERCULOSIS AND WHO IS LIKELY TO LEAVE THE
9 JURISDICTION TO AVOID A HEARING ON COMMITMENT AND TREATMENT
10 OF TUBERCULOSIS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11

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

13 NEW SECTION. Section 1. Emergency detainment --
14 petition -- detention. (1) If a physician, the department,
15 or a local health officer reasonably believes that a person
16 has communicable tuberculosis and that he is likely to
17 attempt to leave the jurisdiction to avoid a hearing on
18 commitment to a hospital, the physician, department, or
19 local health officer shall notify the sheriff of the county
20 in which the person is found, who shall cause the person to
21 be detained in a hospital. At least by the next regular
22 business day, the physician, department, or local health
23 officer shall petition for an order from the district court
24 of the county in which the person is found for continued
25 detention of the person and to require examination or

1 treatment for tuberculosis pursuant to 50-17-105. The
2 sheriff must serve the summons required by 50-17-106 on the
3 person the same day the petition is filed.

4 (2) Immediately after the petition is filed the court
5 will decide whether further emergency detention is required
6 and may order continued hospital detention of the person for
7 no more than 7 days if it finds that the person is an
8 unacceptable danger to the public health and safety in that
9 he probably has communicable tuberculosis and unless
10 detained will probably leave the jurisdiction to avoid a
11 hearing pursuant to this part.

12 (3) The district court of the county in which the
13 person is found has jurisdiction over the person for the
14 purposes of this section. The district court may, in the
15 interests of justice, order that jurisdiction over further
16 proceedings be transferred to the district court of the
17 county of the person's residence.

18 NEW SECTION. Section 2. Extension of authority. Any
19 existing authority to make rules on the subject of the
20 provisions of [this act] is extended to the provisions of
21 [this act].

22 NEW SECTION. Section 3. Codification instruction.
23 [Section 1] is intended to be codified as an integral part
24 of Title 50, chapter 17, part 1, and the provisions of Title
25 50, chapter 17, part 1, apply to [section 1].

LC 0865/01

- 1 NEW SECTION. **Section 4.** Effective date. [This act] is
- 2 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 *Sen. Smith* BILL NO. 442
2 INTRODUCED BY *Sen. Smith*
3 BY REQUEST OF THE DEPARTMENT OF
4 HEALTH AND ENVIRONMENTAL SCIENCES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EMERGENCY
7 DETAINMENT OF A PERSON WHO IS SUSPECTED OF HAVING
8 COMMUNICABLE TUBERCULOSIS AND WHO IS LIKELY TO LEAVE THE
9 JURISDICTION TO AVOID A HEARING ON COMMITMENT AND TREATMENT
10 OF TUBERCULOSIS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11

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

13 NEW SECTION. Section 1. Emergency detention --
14 petition -- detention. (1) If a physician, the department,
15 or a local health officer reasonably believes that a person
16 has communicable tuberculosis and that he is likely to
17 attempt to leave the jurisdiction to avoid a hearing on
18 commitment to a hospital, the physician, department, or
19 local health officer shall notify the sheriff of the county
20 in which the person is found, who shall cause the person to
21 be detained in a hospital. At least by the next regular
22 business day, the physician, department, or local health
23 officer shall petition for an order from the district court
24 of the county in which the person is found for continued
25 detention of the person and to require examination or

1 treatment for tuberculosis pursuant to 50-17-105. The
2 sheriff must serve the summons required by 50-17-106 on the
3 person the same day the petition is filed.

4 (2) Immediately after the petition is filed the court
5 will decide whether further emergency detention is required
6 and may order continued hospital detention of the person for
7 no more than 7 days if it finds that the person is an
8 unacceptable danger to the public health and safety in that
9 he probably has communicable tuberculosis and unless
10 detained will probably leave the jurisdiction to avoid a
11 hearing pursuant to this part.

12 (3) The district court of the county in which the
13 person is found has jurisdiction over the person for the
14 purposes of this section. The district court may, in the
15 interests of justice, order that jurisdiction over further
16 proceedings be transferred to the district court of the
17 county of the person's residence.

18 NEW SECTION. Section 2. Extension of authority. Any
19 existing authority to make rules on the subject of the
20 provisions of [this act] is extended to the provisions of
21 [this act].

22 NEW SECTION. Section 3. Codification instruction.
23 [Section 1] is intended to be codified as an integral part
24 of Title 50, chapter 17, part 1, and the provisions of Title
25 50, chapter 17, part 1, apply to [section 1].

LC 0865/01

- 1 NEW SECTION. **Section 4.** **Effective date.** [This act] is
- 2 effective on passage and approval.

-End-

1 Senate BILL NO. 442
2 INTRODUCED BY Spur
3 BY REQUEST OF THE DEPARTMENT OF
4 HEALTH AND ENVIRONMENTAL SCIENCES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EMERGENCY
7 DETAINMENT OF A PERSON WHO IS SUSPECTED OF HAVING
8 COMMUNICABLE TUBERCULOSIS AND WHO IS LIKELY TO LEAVE THE
9 JURISDICTION TO AVOID A HEARING ON COMMITMENT AND TREATMENT
10 OF TUBERCULOSIS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

13 NEW SECTION. Section 1. Emergency detainment --
14 petition -- detention. (1) If a physician, the department,
15 or a local health officer reasonably believes that a person
16 has communicable tuberculosis and that he is likely to
17 attempt to leave the jurisdiction to avoid a hearing on
18 commitment to a hospital, the physician, department, or
19 local health officer shall notify the sheriff of the county
20 in which the person is found, who shall cause the person to
21 be detained in a hospital. At least by the next regular
22 business day, the physician, department, or local health
23 officer shall petition for an order from the district court
24 of the county in which the person is found for continued
25 detention of the person and to require examination or

1 treatment for tuberculosis pursuant to 50-17-105. The
2 sheriff must serve the summons required by 50-17-106 on the
3 person the same day the petition is filed.

4 (2) Immediately after the petition is filed the court
5 will decide whether further emergency detention is required
6 and may order continued hospital detention of the person for
7 no more than 7 days if it finds that the person is an
8 unacceptable danger to the public health and safety in that
9 he probably has communicable tuberculosis and unless
10 detained will probably leave the jurisdiction to avoid a
11 hearing pursuant to this part.

12 (3) The district court of the county in which the
13 person is found has jurisdiction over the person for the
14 purposes of this section. The district court may, in the
15 interests of justice, order that jurisdiction over further
16 proceedings be transferred to the district court of the
17 county of the person's residence.

18 NEW SECTION. Section 2. Extension of authority. Any
19 existing authority to make rules on the subject of the
20 provisions of [this act] is extended to the provisions of
21 [this act].

22 NEW SECTION. Section 3. Codification instruction.
23 [Section 1] is intended to be codified as an integral part
24 of Title 50, chapter 17, part 1, and the provisions of Title
25 50, chapter 17, part 1, apply to [section 1].

LC 0865/01

1 NEW SECTION. **Section 4.** **Effective date.** [This act] is
2 effective on passage and approval.

-End-

SENATE BILL NO. 442
INTRODUCED BY LYNCH
BY REQUEST OF THE DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EMERGENCY
DETAINMENT OF A PERSON WHO IS SUSPECTED OF HAVING
COMMUNICABLE TUBERCULOSIS AND WHO IS LIKELY TO LEAVE THE
JURISDICTION TO AVOID A HEARING ON COMMITMENT AND TREATMENT
OF TUBERCULOSIS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Emergency detainment --
petition -- detention. (1) If a physician, the department,
or a local health officer reasonably believes that a person
has communicable tuberculosis and that he is likely to
attempt to leave the jurisdiction to avoid a hearing on
commitment to a hospital, the physician, department, or
local health officer shall notify the sheriff of the county
in which the person is found, who shall cause the person to
be detained in a hospital. At least by the next regular
business day, the physician, department, or local health
officer shall petition for an order from the district court
of the county in which the person is found for continued
detention of the person and to require examination or

treatment for tuberculosis pursuant to 50-17-105. The
sheriff must serve the summons required by 50-17-106 on the
person the same day the petition is filed.

(2) Immediately after the petition is filed the court
will decide whether further emergency detention is required
and may order continued hospital detention of the person for
no more than 7 days if it finds that the person is an
unacceptable danger to the public health and safety in that
he probably has communicable tuberculosis and unless
detained will probably leave the jurisdiction to avoid a
hearing pursuant to this part.

(3) The district court of the county in which the
person is found has jurisdiction over the person for the
purposes of this section. The district court may, in the
interests of justice, order that jurisdiction over further
proceedings be transferred to the district court of the
county of the person's residence.

NEW SECTION. **Section 2.** Extension of authority. Any
existing authority to make rules on the subject of the
provisions of [this act] is extended to the provisions of
[this act].

NEW SECTION. **Section 3.** Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 50, chapter 17, part 1, and the provisions of Title
50, chapter 17, part 1, apply to [section 1].

SB 0442/02

- 1 **NEW SECTION. Section 4. Effective date.** [This act] is
- 2 effective on passage and approval.

-End-