

## 1 HOUSE BILL NO. 60

2 INTRODUCED BY B. EBINGER

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND  
6 HUMAN SERVICES TO CONTRACT FOR THE CREATION AND OPERATION OF A PILOT PROGRAM FOR  
7 THE REDUCTION OF RISK OF INMATE SUICIDES IN CERTAIN DETENTION FACILITIES; PROVIDING FOR  
8 THE CONTENT OF THE PROGRAM AND THE DUTIES OF THE DEPARTMENT; REQUIRING RULEMAKING;  
9 PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

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

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13 NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Linda Wilson  
14 Memorial Jail Suicide Prevention Act of 2009".

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16 NEW SECTION. **Section 2. Legislative finding and intent.** An examination of inmate suicides  
17 occurring in detention centers in Montana has demonstrated to the legislature that while the number of yearly  
18 suicides in those facilities is no more than an average of 3.6 per year, the rate of those suicides compared to  
19 other states, when compared on the basis of the number of inmates in detention centers, warrants the creation  
20 of a pilot program designed to reduce the risk of suicides in those centers. The intent of the legislature in enacting  
21 [sections 1 through 7] is to create a time-limited pilot project based upon the Kentucky jail mental health crisis  
22 network established pursuant to Kentucky Revised Statutes 210.365. It is the intent of the legislature that the pilot  
23 program be conducted in detention centers representing a mixture of both small and large detention centers, by  
24 inmate population, in order to demonstrate the viability of a permanent program to reduce the risk of inmate  
25 suicide within detention centers in all counties of the state. It is also the intent of the legislature that in creating  
26 and operating the pilot program, the department shall consider the creation and operation of the Kentucky jail  
27 mental health crisis network for guidance.

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29 NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 7], the following definitions  
30 apply:

- 1 (1) "Department" means the department of public health and human services established in 2-15-2201.
- 2 (2) "Detention center" means a detention center, as defined in 7-32-2120, that is operated by a local  
3 government.
- 4 (3) "Inmate" means a person who is confined in a detention center.
- 5 (4) "Management protocol" means a rule providing the best management practices in the subject areas  
6 of housing, supervision, clothing, property, and food for an inmate at risk of suicide.
- 7 (5) "Mental health professional" has the meaning provided in 53-21-102.
- 8 (6) "Rule" has the meaning provided in 2-4-102.
- 9 (7) "Screening instrument" means a written or electronic series of questions designed to determine the  
10 degree of likelihood or risk that an inmate may commit suicide.

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12 **NEW SECTION. Section 4. Pilot program for reduction of inmate suicide risk in certain detention**  
13 **centers -- design and content -- inmate screening required.** (1) The department shall contract to create a  
14 program for the reduction of likelihood or risk that an inmate in any of the detention centers within the state may  
15 commit suicide. The program must include the use of:

- 16 (a) one or more screening instruments for which the department's goal should be uniformity in all  
17 instruments for all detention centers and for other individuals who may be required to complete or respond to the  
18 questions in the screening instrument;
- 19 (b) an interview of one or more detention officers in a detention center in which the inmate is located or  
20 an interview of the inmate, or both, by electronic means or otherwise, by a mental health professional;
- 21 (c) a determination by the mental health professional participating in the program of the degree of  
22 likelihood or risk that an inmate may attempt to commit suicide;
- 23 (d) management protocols to be used by the detention facility as indicated by the degree of likelihood  
24 or risk of inmate suicide determined by the mental health professional and as provided in this section and by the  
25 rules of the department; and
- 26 (e) appropriate followup counseling or treatment by a mental health professional for an inmate  
27 determined to be at risk for suicide as provided in this section in order to reduce that risk.

28 (2) Each inmate, upon admittance to a detention facility represented in the program provided for in this  
29 section and at such other times as determined by the rules of the department, must be screened for a degree of  
30 likelihood or risk that the inmate may attempt to commit suicide. Screening, management, and followup

1 counseling or treatment of an inmate must occur as provided for in subsection (1). An inmate in a detention center  
2 included in the program who cannot be safely housed in the detention center by the use of management  
3 protocols, counseling, treatment, or any combination of those procedures and who must be treated for a serious  
4 mental illness in order to reduce the inmate's risk of suicide may not be treated in a detention center.

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6 **NEW SECTION. Section 5. Contracting or consultation and department rulemaking.** (1) In  
7 developing the program provided for in [sections 1 through 7], the department, an entity that the department  
8 contracts with, or either of them may contract or consult with operators of any similar program in the country.

9 (2) The department shall adopt rules to implement [sections 1 through 7]. In creating and maintaining  
10 the program provided for in [sections 1 through 7] and in adopting management protocols and other rules to  
11 implement [sections 1 through 7], the department shall consult with the suicide prevention officer appointed  
12 pursuant to 53-21-1101, the Montana sheriffs and peace officers association, the mental health ombudsman  
13 appointed pursuant to 2-15-210, and the mental health oversight advisory council appointed pursuant to  
14 53-21-702 and may consult with other appropriate groups and individuals.

15 (3) The program administered by the department must include a grant program that pays those expenses  
16 incurred by a detention center participating in the program that are determined by the department to be  
17 appropriately payable. If an insufficient number of detention centers apply to participate in the pilot program, the  
18 department shall by rule designate the detention centers that are required to participate.

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20 **NEW SECTION. Section 6. Data collection.** The department shall, as part of the program provided  
21 in [sections 1 through 7], collect data concerning inmates at risk of suicide in detention centers included in the  
22 program and the treatment of inmates in those detention centers. County sheriffs and detention center personnel  
23 shall cooperate with the department in providing data to the department.

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25 **NEW SECTION. Section 7. Report to committee required.** Before January 1, 2011, the department  
26 shall provide to the law and justice interim committee, provided for in 5-5-226, a report on the program provided  
27 for in [section 1 through 7]. The report must include:

28 (1) an assessment by the department of the degree of success of the program and a recommendation  
29 by the department as to whether that program should be continued as a pilot program, be made permanent, or  
30 be allowed to terminate;

1 (2) an assessment of:

2 (a) the collateral impacts of the program, such as whether the program places unacceptable pressure  
3 on other parts of the state or local mental health treatment system;

4 (b) whether the program causes or should require additional diversions to community crisis centers; and

5 (c) whether the program causes or should require additional transportation operations to the Montana  
6 state hospital; and

7 (3) any draft legislation that the department considers necessary to implement any recommendation of  
8 the department.

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10 **NEW SECTION. Section 8. Appropriation.** There is appropriated from the general fund to the  
11 department of public health and human services the following amounts in the fiscal years indicated for the  
12 purposes of [sections 1 through 7]:

13 Fiscal Year 2010: \$264,000

14 Fiscal Year 2011: \$189,000

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16 **NEW SECTION. Section 9. Effective dates.** (1) Except as provided in subsections (2) and (3), [this  
17 act] is effective October 1, 2009.

18 (2) [Sections 5(1) and 8 and this section] are effective on passage and approval.

19 (3) [Section 4(1)] is effective July 1, 2009.

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21 **NEW SECTION. Section 10. Termination.** [This act] terminates July 1, 2011.

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