

**Unofficial Draft Copy**

As of: April 13, 2012 (10:33am)

LC1j2A

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Law and Justice Interim Committee

A Bill for an Act entitled: "An Act requiring the department of public health and human services to establish a program for the prevention of suicides in detention centers; requiring the department to adopt rules; providing for an appropriation from the general fund; and providing effective dates."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Legislative finding and intent.**

An examination of inmate suicides occurring in detention centers in Montana has demonstrated to the legislature that the rate of those suicides compared to other states, when compared on the basis of the number of inmates in detention centers, warrants the creation of a program designed to reduce the risk of suicides in those centers. The intent of the legislature in enacting [sections 1 through 6] is to create a suicide reduction program based upon the Kentucky jail mental health crisis network established pursuant to Kentucky Revised Statutes 210.365. It is the intent of the legislature that in interpreting [section 3] and operating the program, the department shall consider the creation and operation of the Kentucky jail mental health crisis network for guidance but that changes from the Kentucky model be made where necessary to address conditions unique to Montana. In

the creation of the grant program and in the adoption of rules, it is the intent of the Legislature that each detention center be allowed as much flexibility as is possible pursuant to [sections 1 through 6] and as allowable by the clinical nature of the program. It is also the intent of the Legislature that the responsibility for the overall or complete cost of the program be a shared responsibility between the state and the local government operating the detention center.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 6], the following definitions apply:

(1) "Community mental health center" means a center established pursuant to Title 53, chapter 21, part 10, MCA.

(2) "Department" means the department of public health and human services established in 2-15-2201.

(3) "Detention center" means a detention center, as defined in 7-32-2120, that is operated by a local government.

(4) "Inmate" means an individual who is confined or about to be confined in a detention center.

(5) "Mental health professional" has the meaning provided in 53-21-102.

(6) "Rule" has the meaning provided in 2-4-102.

(7) "Screening instrument" means a series of questions designed to determine the degree of likelihood or risk that an inmate may commit suicide.

NEW SECTION. **Section 3. Department to create triage system**

**to screen potential jail inmates - rulemaking.** (1) The department shall create and contract for a telephonic behavioral health jail triage system to screen inmates for mental health risk issues, including suicide risk. The triage system shall be designed to give the facility receiving and housing the inmate an assessment of the inmate's mental health risk, with the assessment corresponding to recommended protocols for housing, supervision, and care which are designed to mitigate the mental health risks identified by the system. The triage system shall consist of:

(a) A screening instrument which the personnel of a detention center receiving an inmate shall use to assess inmates for mental health, suicide, mental retardation, and acquired brain injury risk factors; and

(b) A continuously available toll-free telephonic triage hotline staffed by a qualified mental health professional which the screening personnel may utilize if the screening instrument indicates an increased mental health risk for the assessed inmate.

(2) In creating and maintaining the telephonic behavioral health jail triage system, the department shall consult with:

(a) the department of corrections;

(b) the Montana sheriffs and peace officers association;

(c) the community mental health centers;

(d) the Montana chapter of the national association for the mentally ill;

(e) the regional mental health service area authorities created pursuant to Title 53, chapter 21, part 10, MCA; and

(f) the Montana association of counties.

(3) The department may by contract delegate all or a portion of the operational responsibility for the triage system to one or more of the community mental health centers but the department remains responsible for the cost of the contracted functions.

(4) The department shall design into the implemented triage system the ability to screen and assess inmates who communicate other than in English or who communicate other than through voice.

(5) The cost of operating the telephonic behavioral health jail triage system shall be borne by the department.

(6) Records generated under this section must be treated in the same manner and with the same degree of confidentiality as other medical records of the inmate.

(7) The department shall, after consultation with those entities set out in subsection (2) of this section, promulgate rules for the operation of the telephonic behavioral health jail triage system and the establishment of its recommended protocols for inmate housing, supervision, and care.

NEW SECTION. **Section 4. Department to establish grant program.** The department shall by rule establish a program of grants for detention centers to assist in the payment of cost necessary for the establishment of the program provided in [section 3].

NEW SECTION. **Section 5. Data collection.** The department shall, as part of the program provided in [sections 1 through 6], collect data concerning inmates at risk of suicide in detention centers included in the program and the treatment of inmates in those detention centers. County sheriffs and detention center personnel shall cooperate with the department in providing data to the department.

NEW SECTION. **Section 6. Report to committee required.** Before January 1, 2015, the department shall provide to the law and justice interim committee, provided for in 5-5-226, a report on the program provided for in [section 1 through 6]. The report must include:

(1) an assessment by the department of the over-all degree of success of the program;

(2) an assessment of:

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

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

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

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

NEW SECTION. **Section 7. Appropriation.** There is

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appropriated from the general fund to the department of public health and human services the following amounts in the fiscal years indicated for the purposes of [sections 1 through 6]:

Fiscal Year 2014: \$ \_\_\_\_\_

Fiscal Year 2015: \$ \_\_\_\_\_

NEW SECTION. **Section 8. {standard} Effective dates.** (1)

Except as provided in subsections (2) and (3), [this act] is effective October 1, 2013.

(2) [Section 5 and this section] are effective on passage and approval.

(3) [Section 3] is effective July 1, 2013.

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