



MONTANA LEGISLATIVE BRANCH

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DATE: March 13, 2002
TO: Legislative Finance Committee
FROM: Lois Steinbeck
RE: Summary of HJR 1 February Meeting

The legislative committee studying public mental health services met February 7 and 8. The committee heard reports and panel presentations on adult mental health services and the commitment process, as well as mental health services and the mentally ill in the corrections system. During presentations and committee discussion with presenters, several issues and some options for addressing those issues were identified.

The meeting was designed to address two policy topics:

- What is the legislative policy regarding treatment or incarceration of persons with a mental disease or defect who come into contact with the criminal justice system or who commit a crime?
- What is the legislative policy regarding the role of the Montana State Hospital?

The committee reviewed state statutes and state and federal court cases governing civil and forensic commitments to the Montana State Hospital. The committee also reviewed the following oversight issues:

- Budget status report of the Department of Public Health and Human Services and mental health service changes implemented to offset a projected \$1 million general fund shortfall and
- An overview of the activity to reduce costs of the children with the most expensive mental health costs undertaken as a result of passage of SB 454.

Legislative staff discussed initial indications of a cost shift from the mental health services budget to the foster care services budget due to some of the mental health services reduction. The committee heard testimony from department staff who had similar concerns.

The committee also heard several panel presentations that explained processes and issues related to adults in the mental health system and persons with a mental illness in the corrections system. The panel presentations explained:

- Training that law enforcement personnel received about mental illness, recognizing that someone may be mentally ill, and how to deal with such persons

- A “typical” situation an officer may encounter and how officers determine the “dangerousness” of the person and the risk to others and the options open to officers in deciding among the options for treatment or incarceration
- Forensic commitments to the Montana State Hospital (MSH) and differences between forensic commitments and similar sentences in the criminal justice system
- Continued concerns about the August 2001 Montana Supreme Court “K.G.F.” decision
- Services provided by the Montana State Hospital
- Options available to the director of the Department of Public Health and Human Services (DPHHS) once a forensic patient has reached maximum benefit of treatment
- Types of community services available in the mental health system for persons with a serious and disabling mental illness
- Types of community services needed to help maintain a person with a mental illness released from prison and lack of available services
- Services for persons with both a chemical dependency and mental illness

Several issues were raised during the meeting that will be addressed at the next meeting of the committee. Some of the issues are:

- Increased costs to counties for court and evaluation costs of mental health commitment proceedings
- An increased potential for diversion of persons with a mental illness to the corrections system due to the K.G.F. decision
- Lack of mental health services (funding for) for persons with a mental illness who released from prison
- Potential for additional options for director of DPHHS once a forensic patient has reached maximum benefit of hospitalization
- Continued high populations at the MSH
- Definition of mental illness in statute
- Potential for a life sentence if committed to MSH on a finding of not guilty due to a mental disease or defect while conviction in the corrections system for a similar action carries a finite sentence

The next committee meeting scheduled in the study plan as adopted is in mid May. However, staff will be contacting committee members to determine whether there is a time that all members could meet to discuss issues and options prior to the May meeting.