

JAIL OR PRETRIAL DIVERSION PROGRAMS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Jail diversion or pretrial diversion programs are designed to intercept individuals with mental illness who have come into contact with law enforcement and divert them from the criminal justice system either into behavioral health treatment or alternatives to jail and criminal charges. This primer does not include bills related to 24/7 or treatment courts, though those are often discussed in the context of diversion programs.

Legislative Services Division Materials:

[Diverting the Mentally Ill from the Justice System and Providing Involuntary Commitment Alternatives](#), Law and Justice Interim Committee, Jan. 2009

Other Materials:

[Legislative Primer Series for Front End Justice: Mental Health](#), NCSL, August 2018

[Pretrial Diversion](#), NCSL, Sept. 2017

[Addressing Mental Health in the Criminal Justice System](#), NCSL, August 2015

Introduced Legislation

Include year, most recent first. Hyperlink to status page. *Chapter number assigned means bill was passed and approved. Most recent action. Cut and paste title.

2017

[House Bill No. 237](#) -- Chapter Number Assigned -- AN ACT CREATING A CRISIS INTERVENTION TEAM TRAINING PROGRAM; REQUIRING THE BOARD OF CRIME CONTROL TO DEVELOP AND ADMINISTER

THE PROGRAM; ALLOWING THE BOARD TO OFFER GRANT FUNDING AND TO CONTRACT WITH A NONPROFIT ORGANIZATION TO PROVIDE OR COORDINATE TRAINING; AND GRANTING THE BOARD RULEMAKING AUTHORITY TO ADMINISTER THE PROGRAM.

2015

[House Bill No. 33](#) – Chapter Number Assigned -- AN ACT EXPANDING MENTAL HEALTH CRISIS INTERVENTION AND JAIL DIVERSION SERVICES TO AREAS OF THE STATE THAT LACK SERVICES; REVISING REQUIREMENTS OF THE CRISIS INTERVENTION AND JAIL DIVERSION GRANT PROGRAM FOR COUNTIES; REDUCING LOCAL GOVERNMENT ENTITLEMENT SHARE PAYMENTS AND CERTAIN CALCULATIONS FOR THE PURPOSE OF PROVIDING FUNDING; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-1-121 AND 53-21-1203, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 34](#) – Chapter Number Assigned -- AN ACT APPROPRIATING FUNDS TO INCREASE THE NUMBER OF CONTRACTED SECURE PSYCHIATRIC TREATMENT BEDS; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 35](#) -- Chapter Number Assigned -- AN ACT APPROPRIATING MONEY FOR SHORT-TERM VOLUNTARY INPATIENT MENTAL HEALTH TREATMENT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 53-21-1202, 53-21-1203, AND 53-21-1204, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 195](#) -- Chapter Number Assigned -- AN ACT REVISING PRETRIAL DIVERSION LAWS TO ALLOW DEFERRAL OF PROSECUTION TO BE ENTERED INTO UPON NOTICE BY THE PROSECUTOR; AMENDING SECTION 46-16-130, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2013 and 2011

None

2009

[House Bill No. 130](#) – Chapter Number Assigned -- AN ACT PROVIDING FOR STATE MATCHING FUNDS TO BE GRANTED TO COUNTIES FOR CRISIS INTERVENTION, JAIL DIVERSION, INVOLUNTARY PRECOMMITMENT, AND SHORT-TERM INPATIENT TREATMENT COSTS FOR THE MENTALLY ILL; REQUIRING RULEMAKING; PROVIDING IMPLEMENTATION INSTRUCTIONS; REQUIRING A REPORT; AND PROVIDING EFFECTIVE DATES.