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As of: October 2, 2008 (10:44am)

LC0307

**** Bill No. ****

Introduced By *****

By Request of the Law and Justice Interim Committee

A Bill for an Act entitled: "An Act providing for state matching funds to be granted to counties for crisis intervention, jail diversion, and involuntary precommitment costs for the mentally ill; requiring rulemaking; providing an appropriation; providing implementation instructions; requiring a report; and providing an effective date."

WHEREAS, House Joint Resolution No. 26 requested an interim legislative study to examine diversion of mentally ill adults from the justice system and House Joint Resolution No. 50 requested an interim legislative study to examine county precommitment costs related to involuntary commitment proceedings; and

WHEREAS, these studies were assigned to the Law and Justice Interim Committee; and

WHEREAS, the Law and Justice Interim Committee recognizes that crisis intervention, jail diversion, and precommitment proceedings are inextricably linked to the overarching issues concerning mental health care; and

WHEREAS, the Law and Justice Interim Committee makes the following findings and recommends this bill as part of a package of bills aimed at breaking the larger issues into manageable pieces that work together; and

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WHEREAS, current law (sections 53-21-138 and 53-21-139, Montana Code Annotated), originally enacted by the 1991 Legislature, provides a solid statutory framework for diversion of mentally ill adults from the justice system, but a key barrier is that counties lack sufficient resources to pay for treatment alternatives; and

WHEREAS, 63% of admissions the Montana State Hospital, whose daily census routinely exceeds its licensed capacity of 189, are for emergency and court-ordered detention and evaluation pending involuntary commitment proceedings; and

WHEREAS, county reliance on the Montana State Hospital for emergency and court-ordered detention and evaluation diverts resources from community-based services and results in significant county transportation costs;

WHEREAS, state matching funds granted to counties based on certain criteria is an appropriate way to share costs and provide incentives for resources to be spent on community-based treatment capacity rather than on jail capacity or on transportation and capacity at the Montana State Hospital; and

WHEREAS, a county self-insurance pool that would allow counties to pay a regular premium in exchange from insurance to help pay for unpredictable and sometimes financially catastrophic precommitment costs.

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

NEW SECTION. **Section 1. State matching fund grants for**

county crisis intervention, jail diversion, and precommitment costs. (1) As soon as possible after July 1 of each year, from funds appropriated by the legislature for the purposes of this section, the department shall grant to each eligible county state matching funds for eligible county expenditures made in the previous fiscal year for jail diversion and crisis intervention services to implement 53-21-138 and 53-21-139 and for insurance coverage against catastrophic precommitment costs. The grant amount may not exceed 50% of the county's eligible expenditures and must be prorated based on available funding. The department shall develop a mechanism to provide higher grant amounts to counties that reduce their admissions to the state hospital for involuntary emergency and court-ordered detention and evaluation.

(2) To be eligible for the state matching funds, the county, in the time and manner prescribed by the department, shall:

(a) apply for the funds;

(b) develop and submit to the department a county jail diversion and crisis intervention services strategic plan pursuant to 53-21-138 and 53-21-139, including a plan for community-based or regional emergency and court-ordered detention and examination services.

(c) participate in a statewide or regional county insurance plan for precommitment costs under 53-21-132, if a statewide or regional insurance plan has been established, as authorized under 2-9-211;

(d) participate in a statewide or regional jail suicide

prevention program, if one has been established by the department for the state or for the region in which the county is situated; and

(e) collect and report data and information on county jail diversion and crisis intervention services in the form and manner prescribed by the department to support short- and long-term program evaluation.

(3) The department shall adopt rules to implement the provisions of this section.

(4) Insurance premiums paid by counties pursuant to subsection (2) (d) must be considered an eligible expense under this section.

NEW SECTION. **Section 2. Appropriation.** (1) There is appropriated from the general fund to the department of public health and human services:

(a) for fiscal year 2010, \$_____;

(b) for fiscal year 2011, \$_____.

(2) The money appropriated in this section may be used only for the purposes of [section 1].

NEW SECTION. **Section 3. Implementation -- report.** (1) Implementation of the grant program established in [section 1] may be conducted in phases. However, it is the legislature's intent that the grant program be fully implemented by no later than July 1, 2010.

(2) As soon as possible after July 1, 2010, the department

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shall report to the law and justice interim committee established in 5-5-226 on the implementation status of [section 1].

NEW SECTION. **Section 4. {standard} Codification**

instruction -- instructions to code commissioner. (1) [Section 1] is intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [section 1].

(2) Sections 53-21-138 and 53-21-139 are intended to be renumbered and codified with [section 1] as an integral new part of Title 53, chapter 21.

NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective July 1, 2009.

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{Name : Sheri S. Heffelfinger
Title : Research Analyst
Agency : Legislative Services Division
Phone : 444-3596
E-Mail : sheffelfinger@mt.gov}