

Unofficial Draft Copy

As of: October 21, 2008 (9:37am)

LC0329

**** 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 contract for the creation and operation of a pilot program for the reduction of risk of inmate suicides in certain detention facilities; providing for the content of the program and the duties of the department; requiring rulemaking; providing an appropriation; and providing effective dates and a termination date."

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 while the number of yearly suicides in those facilities is no more than an average of 3.6 per year, the legislature finds 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 pilot 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 time-limited pilot project based upon the Kentucky jail mental health crisis network established pursuant to Kentucky Revised Statutes section 210.365. It is the intent of the legislature that the pilot

program be conducted in detention centers representing a mixture of both small and large detention centers, by inmate population, in order to demonstrate the viability of a permanent program to reduce the risk of inmate suicide within detention centers in all counties of the state. It is also the intent of the legislature that in creating and operating the pilot program, the department consider the creation and operation of the Kentucky jail mental health crisis network for guidance.

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

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

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

(3) "Inmate" has the meaning provided in 7-32-2120.

(4) "Management protocol" means a rule providing the best management practices in the subject areas of inmate housing, supervision, clothing, property, and food for an inmate at risk of suicide.

(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 written or electronic 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 pilot program for reduction of inmate suicide risk in certain detention centers**

-- design and content -- inmate screening required. (1) The department shall contract to create a program for the reduction of likelihood or risk that an inmate in any of the detention centers within that region may commit suicide. The program must include the use of:

(a) one or more screening instruments for which the department's goal should be uniformity in all instruments for all detention centers and other individuals who may be required to complete or respond to the questions in the instrument;

(b) an interview of one or more detention officers in a detention center which the inmate is located, or of the inmate, or both, by electronic means or otherwise, by a mental health professional;

(c) a determination by the mental health professional participating in the program of the degree of likelihood or risk that an inmate may attempt to commit suicide;

(d) management protocols to be used by the detention facility, as indicated by the degree of likelihood or risk of inmate suicide determined by the mental health professional, as provided in this section and as provided by the rules of the department; and

(e) appropriate follow up counseling or treatment by a mental health professional of an inmate determined to be at risk for suicide as provided in this section, in order to reduce that

risk.

(2) Every inmate, upon admittance to a detention facility represented in the program provided for in this section, and at such other times as determined by the rules of the department, must be screened for a degree of likelihood or risk that the inmate may attempt to commit suicide. Screening, management, and follow-up counseling or treatment of an inmate must occur as provided for in subsection (1). An inmate in a detention center included in the program who cannot be safely housed in the center by the use of management protocols, counseling, or treatment, or any combination of them, and who must be treated for a serious mental illness in order to reduce the inmate's risk of suicide, may not be treated in a detention center.

NEW SECTION. **Section 4. Contracting or consultation and department rulemaking.** (1) In developing the program provided for in [sections 1 through 6]. the department, an entity that the department contracts with, or either of them, may contract or consult with operators of any similar program in the country.

(2) The department shall adopt rules to implement [sections 1 through 6]. In creating and maintaining the program provided for in [sections 1 through 6], and in adopting management protocols and other rules to implement [sections 1 through 6], the department shall consult with the suicide prevention officer appointed pursuant to 53-21-1101, the Montana sheriffs and peace officers association, the mental health ombudsman appointed pursuant to 2-15-210, the mental health oversight advisory

council appointed pursuant to 53-21-702, and may consult with other appropriate groups and individuals.

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 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, 2011, the department shall provide to the law and justice interim committee provided for in 5-5-226, MCA, a report on the program provided for in [section 1 through 6]. The report must include:

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

(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

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transportation operations to the Montana state hospital; and

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

NEW SECTION. **Section 7. Appropriation.** There is appropriated from the general fund \$ to the department of public health and human services for the biennium ending June 30, 2011 for the purposes of [sections 1 through 6].

NEW SECTION. **Section 8. {standard} Effective dates.** (1) [Section 4(1), 7, and this section] are effective on passage and approval.

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

(3) Except as provided in subsections (1) and (2), [sections 1 through 6] are effective October 1, 2009.

NEW SECTION. **Section 9. {standard} Termination.** [This act] terminates July 1, 2011.

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