



AN ACT GENERALLY REVISING LAWS RELATED TO CONDITIONAL RELEASE OF A PERSON CRIMINALLY COMMITTED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AND AMENDING SECTION 46-14-304, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-14-304, MCA, is amended to read:

"46-14-304. ~~Revocation of conditional release~~ Conditional release -- revocation. (1) ~~The~~ A person who has been conditionally released remains under the supervision of the department of public health and human services until the committing court discharges the person.

(2) When the person is conditionally released, the director of the department of public health and human services shall provide written notice of the conditions of the person's release to any community facility or program that is treating the person, the county attorney of the county in which the person was committed, and the county attorney of the county in which the person is required to receive treatment.

(3) On motion of a county attorney or the department of public health and human services, the court may order revocation of a person's conditional release if the court determines after hearing evidence that:

(a) the conditions of release have not been fulfilled; and

(b) based on the violations of the conditions and the person's past mental health history, there is a substantial likelihood that the person continues to suffer from a mental disease or disorder that causes the person to present a substantial risk of:

- (i) serious bodily injury or death to the person or others;
- (ii) ~~an imminent~~ threat of physical injury to the person or others; or
- (iii) substantial property damage.

~~(2) The court may retain jurisdiction to revoke a conditional release for no longer than 5 years.~~

~~(3)~~(4) If the court finds that the conditional release should be revoked, the court shall immediately order the person to be recommitted to the custody of the director of the department of public health and human services, subject to discharge or release only in accordance with the procedures provided in 46-14-302 and 46-14-303."

- END -

I hereby certify that the within bill,
SB 6, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 6

INTRODUCED BY J. GROSS

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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