

1 SENATE BILL NO. 445

2 INTRODUCED BY K. BOGNER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PROFESSIONAL PERSON IN A CRIMINAL CIVIL
5 COMMITMENT PROCEEDING TO TESTIFY REMOTELY; AMENDING SECTION 53-21-126, MCA; AND
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 53-21-126, MCA, is amended to read:

11 **"53-21-126. Trial or hearing on petition.** (1) The respondent must be present unless the
12 respondent's presence has been waived as provided in 53-21-119(2), and the respondent must be represented
13 by counsel at all stages of the trial. The trial must be limited to the determination of whether or not the
14 respondent is suffering from a mental disorder and requires commitment. At the trial, the court shall consider all
15 the facts relevant to the issues of whether the respondent is suffering from a mental disorder. If the court
16 determines that the respondent is suffering from a mental disorder, the court shall then determine whether the
17 respondent requires commitment. In determining whether the respondent requires commitment and the
18 appropriate disposition under 53-21-127, the court shall consider the following:

19 (a) whether the respondent, because of a mental disorder, is substantially unable to provide for the
20 respondent's own basic needs of food, clothing, shelter, health, or safety;

21 (b) whether the respondent has recently, because of a mental disorder and through an act or an
22 omission, caused self-injury or injury to others;

23 (c) whether, because of a mental disorder, there is an imminent threat of injury to the respondent
24 or to others because of the respondent's acts or omissions; and

25 (d) whether the respondent's mental disorder, as demonstrated by the respondent's recent acts or
26 omissions, will, if untreated, predictably result in deterioration of the respondent's mental condition to the point
27 at which the respondent will become a danger to self or to others or will be unable to provide for the
28 respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by