PUBLIC HEALTH, WELFARE & SAFETY

Exhibit No. 1

Date 1-19-07

Bill No. SB124

SENATE BILL 124

Cost for State Hospital Forensic Commitment for Court-Ordered Examinations and Unfit to Proceed

Senate Bill 124 removes a circular requirement for the Office of Court Administrator (OCA) and Office of State Public Defender (OSPD) to obtain a general fund appropriation to reimburse the Department of Public Health and Human Services (DPHHS) for costs of forensic services at Montana State Hospital. DPHHS, in turn, uses the payment to reimburse the general fund.

DPHHS receives a general fund appropriation to operate institutional facilities for civil and forensic patients with mental illness and developmental disabilities. The department must bill responsible parties for services in the facilities at a cost-based, daily per diem rate. Funds paid to the department reimburse the general fund, and are tracked as general fund revenue.

Section 3-5-901, MCA, provides for state assumption of certain costs of the state-funded district court program. Section 46-14-202, MCA, currently provides that when a psychiatric, court-ordered examination (COE) of certain defendants is done at a DPHHS institution, OCA and/or OSPD are required to reimburse DPHHS for the cost of the examination and related expenses.

Section 46-14-221, MCA, currently requires OCA to pay the costs of treating certain defendants to enable the defendant found mentally unfit to proceed to regain fitness. This treatment takes place at Montana State Hospital.

The Office of Court Administrator and the Office of State Public Defender are funded by an appropriation from the general fund. When a psychiatric examination or treatment to regain fitness to proceed are done at a DPHHS institution and charged to the OCA and/or OSPD, they use a general fund appropriation to pay DPHHS for the costs. DPHHS, in turn, reimburses the general fund.

Senate Bill 124 removes the circular requirement for OCA and/or OSPD to obtain a general fund appropriation to reimburse the general fund by paying DPHHS for costs of the COE and treatment for fitness to proceed.

For questions, please call:

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