



Please Support Senate Bill 11

Senate Bill 11 is sponsored by Senator Mary Caferro. The bill revises the parole and probation system to work more effectively for offenders that have a serious mental illness. The bill's main focus is on prisoners who have been convicted as Guilty but Mentally Ill and sentenced to the custody of the Department of Public Health and Human Services. This is only roughly 1% of the Correction population, but the reason for their unlawful actions are different than other prisoners, so their release dates and the supervision requirements should reflect that difference. It is critically important make this system as effective as possible for public safety, the impact on the offender's lives, and the significant costs to the State of Montana of both keeping offenders in institutions longer than necessary and having them repeatedly return to the institution. The Bill also provides for overall training and Parole Board requirements that will help the Corrections system deal with all prisoners with mental illness.

- The main function of the bill will be to make it clear that offenders committed to the Department of Public Health and Human Services can utilize supervised mental health treatment programs in order to help them qualify for parole. MCA 46-23-101(6)
- The bill will help get offenders who are deemed ready leave the expensive care of the Hospital (over \$500/day) into supervised programs in the communities that will ensure the offenders continue treating the mental illness symptoms that made them dangerous. MCA 46-23-101(6). The current system of paroling these offenders has a 60% recidivism rate.
- This bill will mandate mental illness training for the Parole Board, probation, and parole officers. It will also require one members of the Parole Board to be mental health providers.
- This bill will make it clear that an offender may have a mental illness and another co-occurring brain conditions such as developmental disabilities and substance abuse conditions. This is medical reality is already reflected in other parts of the law it should be that should be reflected in the law

For your information, I've also included a copy of the statute involved with sentencing Guilty But Mentally Ill Offenders on the Back to help you understand how intrinsically these particular offenders mental illness is tied to their offense.

46-14-311. **Consideration of mental disease or defect or developmental disability in sentencing.** (1) Whenever a defendant is convicted on a verdict of guilty or a plea of guilty or nolo contendere and claims at the time of the omnibus hearing held pursuant to [46-13-110](#) or, if no omnibus hearing is held, at the time of any change of plea by the defendant that at the time of the commission of the offense of which convicted the defendant was suffering from a mental disease or defect or developmental disability that rendered the defendant unable to appreciate the criminality of the defendant's behavior or to conform the defendant's behavior to the requirements of law, the sentencing court shall consider any relevant evidence presented at the trial and shall also consider the results of the presentence investigation required pursuant to subsection (2).

(2) Under the circumstances referred to in subsection (1), the sentencing court shall order a presentence investigation and a report on the investigation pursuant to [46-18-111](#). The investigation must include a mental evaluation by a person appointed by the director of the department of public health and human services or the director's designee. The evaluation must include an opinion as to whether the defendant suffered from a mental disease or defect or developmental disability with the effect as described in subsection (1). If the opinion concludes that the defendant did suffer from a mental disease or defect or developmental disability with the effect as described in subsection (1), the evaluation must also include a recommendation as to the care, custody, and treatment needs of the defendant.

History: En. Sec. 10, Ch. 713, L. 1979; amd. Sec. 165, Ch. 800, L. 1991; amd. Sec. 14, Ch. 395, L. 1999; amd. Sec. 5, Ch. 452, L. 2003; amd. Sec. 1, Ch. 268, L. 2009.