

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RESTRICTIVE HOUSING;  
5 REVISING WHEN AN INMATE IN A RESTRICTIVE HOUSING UNIT MUST RECEIVE CERTAIN  
6 APPRAISALS; REVISING WHEN INFORMATION OBTAINED DURING AN APPRAISAL MAY BE  
7 DISSEMINATED; REVISING DEFINITIONS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-  
8 30-702 AND 53-30-708, MCA; AND PROVIDING AN EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 53-30-702, MCA, is amended to read:

13 **"53-30-702. Definitions.** As used in this part, the following definitions apply:

14 (1) "Administrative segregation" means a nonpunitive housing status for inmates whose continued  
15 presence in the general population may pose a serious threat to life, property, self, staff, other inmates, or the  
16 facility's security or orderly operation.

17 (2) "Administrator" means the official, regardless of local title, who is ultimately responsible for the  
18 operation and management of a division, facility, or program.

19 (3) "Department" means the department of corrections provided for in 2-15-2301.

20 (4) "Disability" means a physical or mental impairment that substantially limits one or more of a  
21 person's major life activities, a person who has a record of such an impairment, or a person who is regarded as  
22 having such an impairment.

23 (5) "Disciplinary detention" means a form of separation from the general population in which an  
24 inmate who has committed a serious violation of conduct regulations is confined to an individual cell by a  
25 disciplinary committee or other authorized group for short periods of time.

26 (6) "Facility" means a state prison defined in 53-30-101(3)(c)(i) through (3)(c)(iii) and (3)(c)(v) or a  
27 youth correctional facility pursuant to 52-5-101.

28 (7) "Mental disorder" means exhibiting impaired emotional, cognitive, or behavioral functioning that

1 interferes seriously with an individual's ability to function adequately except with supportive treatment or  
2 services. The individual also must:

3 (a) currently have or have had within the past year a diagnosed mental disorder; and

4 (b) currently exhibit significant signs and symptoms of a mental disorder.

5 (8) "Postpartum" means the first 6 weeks after delivery.

6 (9) "Prehearing confinement" means a short-term, nonpunitive housing status that is used to safely  
7 and securely control high-risk or at-risk inmates.

8 (10) "Protective custody" means a form of separation from the general population for an inmate who  
9 requests or requires protection from other inmates for reasons of health or safety.

10 (11) "Qualified mental health professional" includes psychiatrists, psychologists, psychiatric social  
11 workers, licensed professional counselors, psychiatric nurses, or others who, by virtue of their education,  
12 credentials, and experience, are permitted by law to evaluate and care for the mental health needs of patients.

13 (12) "Restrictive housing" means a placement that requires an inmate to be confined to a cell for at  
14 least 22 hours a day for the safe and secure operation of the facility. The term includes administrative  
15 segregation, protective custody, and disciplinary detention if the conditions of confinement require inmates to  
16 be confined to a cell for at least 22 hours a day.

17 (13) (a) "Severe mental illness" means a substantial organic or psychiatric disorder of thought, mood,  
18 perception, orientation, or memory that significantly impairs judgment, behavior, or the ability to cope with the  
19 basic demands of life.

20 (b) Intellectual disability, epilepsy, other developmental disabilities, alcohol or substance abuse, or  
21 brief periods of intoxication or criminal behavior do not alone constitute severe mental illness. The individual  
22 must also:

23 (i) currently have or have had within the past year a diagnosed mental disorder; and

24 (ii) currently exhibit significant signs and symptoms of a mental disorder.

25 ~~(13)~~(14) "Step-down program" means an individualized program that includes a system of review and  
26 establishes criteria to prepare an inmate for transition to the general population or the community and that  
27 involves a coordinated, multidisciplinary team approach that includes mental health, case management, and  
28 security practitioners.

1           ~~(14)~~(15) "Temporary confinement" has the same meaning as "prehearing confinement" as defined in  
2 this section."

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4           **Section 2.** Section 53-30-708, MCA, is amended to read:

5           **"53-30-708. Mental health status review.** (1) When a housing or management unit exists for adult or  
6 youth inmates with ~~mental health issues, a mental disorder, or mental illness,~~ procedures adopted pursuant to  
7 53-30-703(7) must provide for placements, assessments, specialized treatments, program services, and  
8 scheduled case reviews by qualified mental health professionals in accordance with policies established by the  
9 department.

10           (2) Upon notification that an inmate has been placed in restrictive housing, a qualified health care  
11 professional will review the inmate's health record. If an existing medical, mental health, or dental need requires  
12 accommodation, custody staff must be notified.

13           ~~(3)~~ (3) When reviewing the health records of an inmate with a mental disorder, ~~health staff shall assess~~  
14 ~~the risk of exacerbation of mental disorder and~~ who has been placed in restrictive housing, a qualified health  
15 care professional shall notify mental health staff. This review and notification must be documented in the  
16 inmate's health record.

17           ~~(3)~~(4) The procedures established pursuant to 53-30-703(7) must provide that an inmate entering  
18 restrictive housing must be seen and assessed by a qualified mental health professional or health care  
19 professional, in accordance with the national commission on correctional health care standards. Each contact  
20 must be documented ~~on~~ in the inmate's ~~log record,~~ and the notation must contain, at a minimum, a status report  
21 and the date and time of the contact. Individual ~~logs~~ documentation must be filed in the inmate's medical and  
22 mental health records.

23           ~~(4)~~(5) A qualified mental health professional shall complete a mental health appraisal within ~~72 hours~~  
24 ~~of the period set by American correctional association standards after~~ an inmate's placement in restrictive  
25 housing. The appraisal may include a mental health ~~screening review~~ that has been completed by health care  
26 personnel at the time the inmate is placed in restrictive housing. If confinement continues beyond 30 days, a  
27 qualified mental health professional shall complete ~~a behavioral health assessment at least every 14 days an~~  
28 updated mental health appraisal with the frequency set by American correctional association standards for an

1 inmate with a diagnosed ~~behavioral or mental health~~ disorder and more frequently if clinically indicated. For an  
2 inmate without a ~~behavioral mental~~ health disorder, the ~~assessment appraisal~~ must be completed ~~every 14~~  
3 ~~days with the frequency set by American correctional association standards~~ and more frequently if clinically  
4 indicated. The ~~behavioral mental~~ health ~~assessment appraisal~~ must be conducted in a manner that ensures  
5 confidentiality. Dissemination of any information obtained in the mental health appraisal must be for the limited  
6 purpose of institutional safety and security.

7 (5)(6) An inmate diagnosed with a ~~serious severe~~ mental ~~disorder illness~~ may not be placed in  
8 restrictive housing for more than 14 days unless a multidisciplinary service team determines there is an  
9 immediate and present danger to others or to the safety of the institution. If an inmate with a ~~serious severe~~  
10 mental ~~disorder illness~~ is placed in restrictive housing, the inmate must be provided with an active individualized  
11 treatment plan that includes weekly monitoring by mental health staff, treatment as necessary, and steps to  
12 facilitate the transition of the inmate back into the general population."  
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14 NEW SECTION. Section 3. Appropriation. There is appropriated from the general fund \$900 to the  
15 department of corrections for the biennium beginning July 1, 2021, for the purposes of installing an additional  
16 camera in the restrictive housing unit at the Montana state prison.

17  
18 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2021.

19 - END -