

## HOUSE JOINT RESOLUTION NO. 26

INTRODUCED BY CALLAHAN, RASER, HINER, RICE, WEINBERG, W. JONES, PARKER, MCGEE,  
GRINDE, STOKER, WARD, GALLUS, WILLIAMS, JOPEK, BIXBY, GROESBECK, HENDRICK, CAMPBELL,  
BERGREN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT AN INTERIM COMMITTEE OR STAFF STUDY AND DEVELOP AN IMPLEMENTATION PLAN FOR MENTAL HEALTH CARE FOR ADULTS AND YOUTH IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

WHEREAS, criminal justice research data revealed that the rate of current severe mental disorder was 6.4% for male detainees entering jail and 12.2% for female detainees, which is significantly more prevalent than in the general population; and

WHEREAS, the vast majority of youth in the juvenile justice system, approximately 70%, suffer from mental disorders, with 25% experiencing disorders so severe that their ability to function is significantly impaired; and for some youth, contact with the juvenile justice system is often their first and only chance to get help; and

WHEREAS, appropriate and early intervention and treatment of adults and youth with mental disorders may divert them from costly incarceration and future crime and assist them to become productive members of society; and

WHEREAS, community treatment options for adult and juvenile offenders may require supervision, housing, and employment supports toward a recovery-based life, and a study of the issue of mental health care for adult and juvenile offenders is needed to determine ways to improve the criminal and juvenile justice systems; and

AND

WHEREAS, THE LAW AND JUSTICE INTERIM COMMITTEE OF THE MONTANA LEGISLATURE STUDIED THE "DISPROPORTIONATE MINORITY CONTACT IN THE MONTANA CRIMINAL JUSTICE SYSTEM" AND FOUND THAT A SIGNIFICANT NUMBER OF INDIVIDUALS IN THE CORRECTIONS SYSTEM HAVE MENTAL HEALTH ISSUES; AND

WHEREAS, AT LEAST ONE PREVIOUS INTERIM STUDY OF THE MONTANA LEGISLATURE ADDRESSED THE MENTAL HEALTH OF INDIVIDUALS IN THE JUVENILE JUSTICE SYSTEM BUT DID NOT STUDY THE CRIMINAL JUSTICE SYSTEM AS A WHOLE; AND

WHEREAS, THERE IS A NEED FOR A COMPREHENSIVE INTERIM STUDY THAT WOULD INCLUDE A REVIEW OF ALL PREVIOUS STUDIES AND LAWS RELATED TO MENTAL HEALTH ISSUES IN THE JUVENILE JUSTICE SYSTEM FOR THE PURPOSES

OF DEVELOPMENT OF A PLAN TO IMPLEMENT PRIORITIES TO DEAL WITH THOSE ISSUES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to address mental health care in the criminal and juvenile justice systems.

BE IT FURTHER RESOLVED, that the goal be to study and develop an implementation plan to provide mental health care in the criminal and juvenile justice systems that includes:

- (1) mental health care of youth who are adjudicated as delinquent;
- (2) mental health care of convicted adult defendants;
- (3) addressing options for supervising adjudicated youth and convicted adults in the community, including mental health probation options;
- (4) developing a continuum of care encompassing community placements and inpatient treatment options and addressing the interplay between community placements and treatment options; and
- (5) the availability and use of mental health treatment prior to adjudication of juvenile or conviction of adult defendants.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2008.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 61st Legislature.

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