

HOUSE BILL NO. 369

INTRODUCED BY K. WAGONER

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS FOR THE COMMUNITY PLACEMENT OF DEVELOPMENTALLY DISABLED INDIVIDUALS WHO ARE REGISTERED SEXUAL AND VIOLENT OFFENDERS; AMENDING SECTION 53-20-301, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Community homes -- sexual and violent offenders.** (1) A community

home may not accept into services a person with developmental disabilities who is registered as a sexual or violent offender pursuant to Title 46, chapter 23, part 5, unless:

(a) the community home notifies the department of public health and human services that it has accepted or is considering accepting the person into services; and

(b) the department has inspected the community home and surrounding area and determined that the community home is able to ensure the safety of:

- (i) the person with developmental disabilities;
- (ii) other residents and staff members of the community home; and
- (iii) residents in the immediate vicinity of the community home.

(2) In inspecting the community home and surrounding area, the department shall consider the following items in relation to the opportunity they provide for the person with developmental disabilities to commit another sexual or violent offense:

- (a) pedestrian traffic; and
- (b) the community home's proximity to schools, parks, churches, school bus stops, and other areas where people congregate.

(3) A community home may prepare and implement a mitigation plan to reduce the opportunity for the individual with developmental disabilities to commit another sexual or violent offense if the department determines that the community home is unable to meet the safety requirements of subsection (1).

(4) (a) The inspection done pursuant to this section must be carried out by a division of the department responsible for licensing health care facilities.

1 (b) A division of the department that is proposing to accept into a state-operated community home a  
2 person with developmental disabilities who is a registered sexual or violent offender:

3 (i) must meet the requirements of this section; and

4 (ii) may not conduct the inspection required under this section.

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6 **Section 2.** Section 53-20-301, MCA, is amended to read:

7 **"53-20-301. Purpose.** ~~(1) The legislature, in recognition of~~ recognizes the wide and varied needs of  
8 persons with developmental disabilities and ~~of the desirability of meeting these needs on a community level to~~  
9 ~~the fullest extent possible.~~

10 (2) The legislature further recognizes the need to ensure the safety of both residents of community  
11 homes and their neighbors.

12 (3) and in In order to reduce the need for care in ~~existing~~ state institutions or other restrictive settings,  
13 the legislature establishes by this part:

14 (a) a community home program for persons with developmental disabilities to provide facilities and  
15 services for the training and treatment of persons with developmental disabilities in family-oriented residences;

16 (b) and establishes a program to provide such community homes through local nonprofit corporations;  
17 and

18 (c) provisions to ensure the safety of both residents of community homes and community members."

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20 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
21 integral part of Title 53, chapter 20, part 3, and the provisions of Title 53, chapter 20, part 3, apply to [section 1].

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23 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2017.

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