



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

SB0468 - Generally revise involuntary commitment laws (Trebas, Jeremy)

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
	* * * * * UNABLE TO DETERMINE * * * * *			
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	* * * * * UNABLE TO DETERMINE * * * * *			

Description of fiscal impact: SB 468 lowers the standard for civil commitments and emergency situation detentions at the Montana State Hospital (MSH). The Department of Public Health and Human Services, the Judicial Branch and the Office of Public Defender, are unable to determine the fiscal impact of this bill.

FISCAL ANALYSIS

Assumptions:

Department of Public Health and Human Services

1. SB 468 lowers the standard of civil commitment at MSH by allowing “anyone who has direct knowledge of the facts” to file a petition requesting that a person be civilly committed.”
2. The Department of Public Health and Human Services (DPHHS) is unable to determine the degree to which admissions may be impacted and unable to determine the fiscal impact of SB 468.
3. DPHHS assumes this will result in one or more of the 60 individuals currently on the waitlist for a forensic mental health commitment to be immediately moved to a civil commitment, which does not have a waitlist, and the department is required to accept.
4. The cost for any additional civil commitments to MSH is assumed to be \$1,045/day.
5. Civil commitments under SB 468 are assumed to be stays of 90 days, resulting in a total cost of \$94,050, (\$1,045 * 90 days) for each additional civil commitment.
6. The cost for any additional emergency detentions to MSH is assumed to be \$1,045/day.

- 7. Emergency detentions under SB 468 are assumed to be 3 days, resulting in a total cost \$3,135 (\$1,045 * 3 days) for each additional emergency detention.

Judicial Branch

- 8. The bill allows any person with direct knowledge of the facts to file a petition with the court alleging that there is a person that requires commitment. As this allows additional parties to file a petition, it may increase the number of cases brought before a court.
- 9. The Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of legislation such as this may eventually require additional judicial resources to avoid further back log in district court case processing.

Office of Public Defender

- 10. This bill would allow involuntary commitments based upon non-imminent threats.
- 11. The Office of Public Defender (OPD) does not currently track non-imminent threats as part of involuntary commitment cases.
- 12. OPD’s case weight system weighs involuntary commitment cases at 2.5 case weight hours.
- 13. OPD’s total expense per hour is \$71 due to FTE attorneys being at maximum caseload capacity.
- 14. The total expense per additional involuntary commitment case at 2.5 hours x \$71 per hour is \$177.50 per case.
- 15. However, OPD has no data as to how many additional non-imminent threat petitions might be filed and, thus, cannot predict how large the additional attorney assignment costs of this bill will be.
- 16. Similarly, regarding the bill’s authorization of privately filed involuntary commitment petitions, OPD has no data as to the number of petitions private citizens might file independent of County Attorneys.
- 17. OPD assumes that such privately filed petitions would be more contentious and time consuming than petitions filed by the State but cannot quantify that increase as this procedure is unprecedented.
- 18. OPD, thus, assumes that case weight for private petitions would increase but is unable to quantify the additional hours.

NO SPONSOR SIGNATURE

3/10/23

Sponsor’s Initials

Date



Budget Director’s Initials

3-8-23

Date