

Proposal for Legislation – 2023 Legislative Session APS Rewrite

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1. What is the problem or issue?

The Governor extended an executive order to establish three Elder Justice Councils after successful implementation of one council in the Billings area. The councils are set up geographically and are designed to work with members of the local communities that have experience in law enforcement, banking, legal services and healthcare. The council goals are focused on public education, including the ability to relay state law to the public.

The APS staff and the Eastern Montana Justice Council have identified limitations in law such as the definition of physical abuse which requires death, permanent or temporary disfigurement or impairment. This definition does not address significant abuse that occurs such as slapping, hitting, grabbing violently, or shaking, which often occur repeatedly but do not meet the current threshold of physical abuse.

2. What do you want the legislation to do?

The Governor's office has requested the Elder Justice Councils review the MCA for statutory changes to strengthen the APS program, remove outdated language, and clarify criteria for abuse to be prosecuted. The legislation should also be revised to current terminology and remove out of date references. DPHHS intends to revise and incorporate recommendations from the councils.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

MCA Title 52, Chapter 3, Part 8; Title 52, Chapter 3, Part 2.

4. If the proposed change requires additional funding, what funding sources do you propose?

No change in funding.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

HB 139 of the 65th legislative session attempted an update to clean up language and remove out of date references. This bill did not pass.