

Amendment - 2nd Reading-yellow - Requested by: John Fitzpatrick - (H) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0912.003.001

HOUSE BILL NO. 912

INTRODUCED BY S. KELLY, M. CUNNINGHAM, B. MERCER, A. REGIER, T. SHARP

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO BEHAVIORAL HEALTH; CREATING A SECURE FORENSIC FACILITY; PROVIDING MINIMUM REQUIREMENTS FOR THE FACILITY AND ITS SERVICES; ALLOWING THE BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS FUND TO SUPPORT THE CONSTRUCTION OF NEW PROPERTY TO SUPPORT BEHAVIORAL HEALTH SETTINGS AND IMMEDIATE CARE FACILITIES; PROVIDING AN APPROPRIATION; AMENDING SECTION 50-1-119, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Establishment of secure forensic facility. (1) The department of public health and human services ~~ADMINISTRATION~~ shall oversee the construction and operation of a secure forensic facility to provide care, treatment, and security for individuals who have been adjudicated as guilty but mentally ill, not guilty by reason of mental illness, or in need of forensic evaluations or competency restoration prior to legal proceedings.

(2) The facility must be designed to house a ~~maximum of~~ AT LEAST 70 patients.

(3) The facility must be located ~~east of a line running north and south through Big Timber, IN~~ EASTERN Montana, at a site determined by the department in consultation with other appropriate state agencies.

NEW SECTION. Section 2. Facility design and services. (1) The secure forensic facility established in [section 1] must provide:

- (a) secure housing units designed to meet the needs of forensic patients;
- (b) onsite psychiatric and medical treatment services;
- (c) competency restoration programs;
- (d) rehabilitation and reintegration services;

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(e) adequate security measures to ensure the safety of patients, staff, and the public; and

(f) a clinical environment and supplies to support the involuntary administration of medication to a patient at the facility under a court order when necessary for the treatment and stabilization of a patient.

(2) The department shall develop rules and policies for patient admissions, treatment, involuntary medication, and discharge in compliance with state and federal laws.

Section 3. Section 50-1-119, MCA, is amended to read:

"50-1-119. Behavioral health system for future generations fund. (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the behavioral health system for future generations fund.

(2) There must be deposited in the account money received from legislative general fund transfers.

(3) Eligible uses of the fund include:

(a) medicaid and CHIP matching funds for payments made to behavioral health settings;

(b) medicaid and CHIP matching funds for payments made to intermediate care facilities for individuals with intellectual disabilities;

(c) statewide community-based investments to stabilize behavioral health and developmental disabilities service providers and delivery, increase and strengthen the behavioral health and developmental disabilities workforce, increase service capacity to meet identified behavioral health and developmental disabilities services demands, and increase opportunities for Montanans to receive integrated physical and behavioral health care;

(d) acquisition or construction of new or remodeling of existing infrastructure or property to support the establishment of behavioral health settings and intermediate care facilities for individuals with intellectual disabilities;

(e) planning, operation, or other contract expenses associated with intermediate care facilities for individuals with intellectual disabilities;

(f) planning, operation, or other contract expenses associated with behavioral health settings; and

(g) studying and planning of the development of a comprehensive behavioral health system.

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(4) Funds in this account may not be used to operate existing state facilities."

NEW SECTION. Section 4. Appropriation. (1) There is appropriated ~~\$60~~ \$28 million from the behavioral health system for future generations fund established in 17-2-102 for the biennium beginning July 1, 2025, to the department of ~~public health and human services~~ ADMINISTRATION for the purpose of planning, designing, constructing, and equipping the secure forensic facility established in [section 1].

(2) Any unexpended funds remaining after the completion of the facility must revert to the behavioral health system for future generations fund established in 17-2-102.

COORDINATION SECTION. SECTION 5. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 5 AND [THIS ACT] ARE PASSED AND APPROVED AND IF HOUSE BILL NO. 5 CONTAINS FUNDING FOR A FACILITY THAT PERFORMS THE SAME FUNCTIONS AS THOSE PROPOSED IN [THIS ACT], THEN [THIS ACT] IS VOID.

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2025.

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