



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: SB0435.01: Generally revise laws related to mentally ill individuals

Primary Sponsor: John Esp Status: As Introduced

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

### FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Expenditures</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>General Fund Balance</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### Description of fiscal impact

SB 435 Allows for a 72 hour hold for a person suffering from a mental health crisis, and allows the court to waive the in-person second hearing in an involuntary commitment process.

### FISCAL ANALYSIS

#### Assumptions

#### Office of Public Defender (OPD)

- OPD assumes that SB 435's procedural changes would have no overall impact on the case weight hours OPD assigns to involuntary commitment appointments.
- There is no fiscal impact to OPD.

#### Montana Association of Counties (MACO)

- MACO is unable to determine the number of instances where a 72 hour hold may be appropriate, but if the 72 hour hold avoids placement and transport to and from Warm Springs the bill would have a positive impact on counties.
- MACO is unable to determine the number of times a court may waive an in-person second appearance, but each instance would be financial beneficial for the county as the entity required to provide transport.
- There is no fiscal impact to MACO.

#### Department of Public Health and Human Services (DPHHS)

- MCA 53-21-129 currently permits a peace officer to detain an individual who appears to have a mental disorder and appears to meet the criteria for civil commitment for sufficient time to contact a professional person for emergency evaluation. Under MCA 53-21-129, if the professional person agrees that the person

detained is a danger to the person or others and that an emergency situation as defined in MCA 53-21-102 exists, then the person may be detained and treated until the next regular business day.

7. Under MCA 53-21-129, individuals petitioned to the Montana State Hospital (MSH) by the county attorney have an average length of stay of 8 days. The department assumes that increasing the length of the mental health hold for these individuals to 72 hours will not impact the number of days spent at the facility.
8. There is no fiscal impact to DPHHS.

**Technical Concerns**

**Department of Public Health and Human Services**

1. The department provides crisis stabilization services as outlined in 53-21-1402, MCA. SB 435 could result in additional costs since it expands the option for involuntary treatment beyond emergency detention and outside the commitment process. DPHHS is unable to quantify what those additional costs may be.

**NO SPONSOR SIGNATURE** 3/3

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Sponsor's Initials

\_\_\_\_\_  
Date



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Budget Director's Initials

3/3/2025

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Date