



Montana Association of Counties
2715 Skyway Drive
Helena, MT 59602-1213
(p) 406.449.4360 | (f) 406.442.5238
maco@mtcounties.org |
<http://www.mtcounties.org>

RESOLUTION 2020-13

PHYSICAL PRESENCE IN INVOLUNTARY COMMITMENT PROCEEDINGS

It is the intent of the Montana Association of Counties to amend laws pertaining to the involuntary commitment of individuals in mental health crises to allow two-way audio-video appearances by all parties because it can avoid unnecessary transport of individuals in mental health crises, protecting the health and safety of law enforcement officers and individual respondents.

WHEREAS, Montana and the nation are experiencing increases in the number of individuals in mental health crises; and

WHEREAS, MCA 53-21-127 authorizes the civil involuntary commitment of individuals in a mental health crisis who are a danger to themselves or others or cannot meet their basic needs and refuse voluntary care; and

WHEREAS, MCA 53-21-119 refers to the “right of the respondent to be physically present;” and

WHEREAS, MCA 53-21-140 allows the use of two-way electronic audio-video communication in certain circumstances; and

WHEREAS, allowing two-way electronic audio-video communication by all parties to meet all presence requirements would alleviate unnecessary and often times dangerous transports of individual respondents.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend MCA 53-21-119 to remove the word “physically,” and to amend MCA 53-21-140 in its entirety and specifically indicate that two-way electronic audio-video communication meets all presence requirements.

SPONSOR:	GALLATIN COUNTY
RECOMMENDATION:	DO PASS
REFERRED TO:	MACo JUSTICE & PUBLIC SAFETY COMMITTEE
ADOPTED:	ANNUAL CONFERENCE – OCTOBER 1, 2020