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RESOLUTION 2024-02

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 53-21-1 19 refers to the "right of the respondent to be physically present"; and

WHEREAS, MCA 53-21-14 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 oftentimes dangerous—transports of individual respondents.

NOW, THEREFORE BE IT RESOLVED, that the Montana Association of Counties will seek to amend MCA 53-21-1 19 to remove the word "physically" as well as amend MCA 53-21-140 in its entirety specifically indicating that two-way electronic audio-video communication meets all presence requirements.

SPONSOR	GALLATIN COUNTY
REFERRED TO	JUSTICE & PUBLIC SAFETY (JPS) COMMITTEE
ADOPTED BY MEMBERSHIP	MACO'S 115TH ANNUAL CONFERENCE – SEPTEMBER 18, 2024