

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
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KRISTEN JURAS
LT. GOVERNOR

June 12, 2025

The Honorable Brandon Ler
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Matt Regier
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Ler and President Regier:

Montana counties are struggling with behavioral health challenges in their local detention centers, and we're making progress to alleviate those issues. We're addressing the waitlist at the Forensic Mental Health Facility in Galen (FMHF) and reducing the detention burden on counties. In addition to what we've accomplished together with the Behavioral Health System for Future Generations (BHSFG) Commission, legislators passed measures this year to decrease waitlists and the number of "holdover" defendants in county jails waiting for a bed at FMHF.

Despite our shared, measurable, ongoing progress, House Bill 643, which may have been an appropriate, short-term solution before 2023, shifts from counties to the state the cost of detaining certain individuals involved in the criminal justice system: those awaiting a court-ordered evaluation, those being treated for lack of fitness to proceed, and those sentenced to the custody of the Department of Public Health and Human Services (DPHHS) upon a finding of Guilty But Mentally Ill (GBMI), but for whom no beds are available at FMHF.

House Bill 643's shift from counties to the state is projected to cost Montana taxpayers more than \$24 million over the next four years alone. Although the bill's fiscal note projected this cost, the Legislature did not appropriate sufficient funding to offset the bill's expense. DPHHS projected it would exhaust House Bill 643's \$6 million appropriation within one year.

This issue requires a permanent, comprehensive solution, but House Bill 643 only applies an expensive Band-Aid.

Fortunately, there are several better solutions the Legislature has approved that will bring us closer to a permanent, comprehensive, cost-effective resolution. Specifically, House Bill 5

appropriates \$14.8 million for capital upgrades to the Spratt unit at the Montana State Hospital (MSH). This investment will allow DPHHS to convert the Spratt unit to a stepdown unit, allowing for a full continuum of care for GBMI individuals. Once Spratt is converted, this will free up space at FMHF, increasing its capacity and allowing for the evaluation and restoration of approximately 100 more patients annually. Additionally, House Bill 5 includes \$26.5 million from the BHSFG special revenue account to build a new behavioral health facility in eastern Montana for the purpose of further alleviating the forensic waitlist.

Additionally, one of the recommendations I approved from the BHSFG Commission makes \$7.5 million available to counties to contract with behavioral health providers to conduct court-ordered evaluations within their communities. This measure will decrease the waitlist at FMHF.

To further this cost-effective, community-based evaluation approach, DPHHS recently empowered counties to apply for funding for behavioral health professionals to provide stabilization services in county jails, eliminating the need to transport defendants to FMHF. This measure will reduce waitlists and the number of "holdover" defendants in county jails.

Based on legislative investments outlined above and MSH's operational changes, DPHHS expects to significantly reduce the waitlist throughout fiscal year 2026. Shorter waitlists reduce counties' "holdover" detention burden, making House Bill 643 unnecessary.

For these reasons, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 643: "AN ACT REVISING PAYMENT OF COSTS FOR USE OF A DETENTION CENTER; REVISING THE DEFINITION OF "ACTUAL COSTS"; PROVIDING AN APPROPRIATION; AMENDING SECTION 7-32-2242, MCA; AND PROVIDING A TERMINATION DATE."

Sincerely,


Greg Gianforte
Governor



Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State