

House Amendment 3548

Amendment Text

PAG LIN

1 1 Amend [House File 337](#) as follows:
1 2 #1. Page 1, by inserting after line 7 the
1 3 following:
1 4 "Sec. ____ Section 229.22, subsection 2, Code
1 5 1995, is amended to read as follows:
1 6 2. In the circumstances described in subsection 1,
1 7 any peace officer who has reasonable grounds to
1 8 believe that a person is mentally ill, and because of
1 9 that illness is likely to physically injure the
1 10 person's self or others if not immediately detained,
1 11 may without a warrant take or cause that person to be
1 12 taken to the nearest available facility as defined in
1 13 section 229.11, subsections 2 and 3. A person
1 14 believed mentally ill, and likely to injure the
1 15 person's self or others if not immediately detained,
1 16 may be delivered to a hospital by someone other than a
1 17 peace officer. Upon delivery of the person believed
1 18 mentally ill to the hospital, the chief medical
1 19 officer may order treatment of that person, including
1 20 chemotherapy, but only to the extent necessary to
1 21 preserve the person's life or to appropriately control
1 22 behavior by the person which is likely to result in
1 23 physical injury to that person or others if allowed to
1 24 continue. The peace officer who took the person into
1 25 custody, or other party who brought the person to the
1 26 hospital, shall describe the circumstances of the
1 27 matter to the chief medical officer. If the chief
1 28 medical officer finds that there is reason to believe
1 29 that the person is seriously mentally impaired, and
1 30 because of that impairment is likely to physically
1 31 injure the person's self or others if not immediately
1 32 detained, the chief medical officer shall at once
1 33 communicate with the nearest available magistrate as
1 34 defined in section 801.4, subsection 10. The
1 35 magistrate shall

~~immediately proceed to the facility~~

1 36

~~where the person is detained, except that if the chief~~

1 37

~~medical officer's communication with the magistrate~~

1 38

~~occurs between the hours of midnight and the next~~

1 39

~~succeeding seven o'clock a.m. and the magistrate deems~~

1 40

~~it appropriate under~~

~~-, based upon~~ the circumstances

1 41 described by the chief medical officer,

~~the magistrate~~

1 42

~~may delay going to the facility and in that case shall~~

1 43 give the chief medical officer verbal instructions

1 44 either directing that the person be released forthwith

1 45 or authorizing the person's continued detention at

1 46 that facility. In the latter case, the magistrate

1 47 shall:

1 48 a. By the close of business on the next working

1 49 day, file with the clerk a written report stating the

1 50 substance of the information on the basis of which the

2 1 person's continued detention was ordered; and

2 2 b.

~~Arrive at~~

~~Proceed to~~ the facility where the

2 3 person is being detained

~~not later than eight o'clock~~

2 4

~~a.m. of the same day on which the chief medical~~

2 5

~~officer's notification occurs~~

~~within twenty-four hours~~

2 6 of giving instructions that the person be detained."

2 7 #2. Title page, line 1, by inserting after the

2 8 word "criteria" the following: "and procedures".

2 9

2 10

2 11 _____

2 12 WISE of Lee

2 13

2 14

2 15 _____

2 16 MYERS of Johnson

2 17

2 18

2 19 _____

2 20 WITT of Black Hawk

2 21 HF 337.501 76

2 22 lh/jw