

Senate File 2352

H-8356

1 Amend Senate File 2352, as passed by the Senate, as
2 follows:

3 1. Page 3, after line 5 by inserting:

4 <c. If an arrest warrant has been issued for
5 or charges are pending against the person, but no
6 court order exists requiring notification to a law
7 enforcement agency under paragraph "a" or "b", and if
8 the peace officer delivers the person to a facility or
9 hospital and the peace officer notifies the facility
10 or hospital in writing on a form prescribed by the
11 department of public safety that the facility or
12 hospital notify the law enforcement agency about
13 the discharge of the person prior to discharge, the
14 facility or hospital shall do all of the following:

15 (1) Notify the dispatch of the law enforcement
16 agency that employs the peace officer by telephone
17 prior to the discharge of the person from the facility
18 or hospital.

19 (2) Notify the law enforcement agency that employs
20 the peace officer by electronic mail prior to the
21 discharge of the person from the facility or hospital.>

22 2. Page 3, by striking lines 11 through 15 and
23 inserting <is sooner dismissed by a magistrate. If
24 a person is to be discharged prior to the end of
25 the period of time prescribed for detention by this
26 subsection, the facility or hospital shall notify, if
27 required by this section, the law enforcement agency
28 requesting notification prior to the discharge of the
29 person. The law enforcement agency shall have up to
30 six hours after notification to retrieve the person but
31 in no circumstances shall the detention of the person
32 exceed the period of time prescribed for detention by
33 this subsection. The facility or hospital may provide
34 treatment which>

35 3. Page 3, line 26, by striking <the order of the
36 magistrate> and inserting <this section>

37 4. Page 4, by striking lines 1 through 4 and
38 inserting <immediately detained, or if the person
39 was discharged prior to the end of the period of
40 time prescribed for detention by this subsection,
41 the facility or hospital was required to notify
42 a law enforcement agency by this section, the law
43 enforcement agency requesting notification prior
44 to discharge retrieved the person within six hours
45 of the notification, and the detention prior to the
46 retrieval of the person did not exceed the period of
47 time prescribed for detention by this subsection.>

48 5. Page 4, before line 5 by inserting:

49 <Sec. ____ . Section 229.22, Code Supplement 2009, is
50 amended by adding the following new subsections:

1 NEW SUBSECTION. 5. The department of public
2 safety shall prescribe the form to be used when a law
3 enforcement agency desires notification under this
4 section from a facility or hospital prior to discharge
5 of a person admitted to the facility or hospital and
6 for whom an arrest warrant has been issued or against
7 whom charges are pending. The form shall be consistent
8 with all laws, regulations, and rules relating to the
9 confidentiality or privacy of personal information
10 or medical records, including but not limited to the
11 federal Health Insurance Portability and Accountability
12 Act of 1996, Pub. L. No. 104-191, and regulations
13 promulgated in accordance with that Act and published
14 in 45 C.F.R. pts. 160-64.

15 NEW SUBSECTION. 6. A facility or hospital,
16 which has been notified by a peace officer or a law
17 enforcement agency by delivery of a form as prescribed
18 by the department of public safety indicating that
19 an arrest warrant has been issued for or charges are
20 pending against a person admitted to the facility or
21 hospital, that does not notify the law enforcement
22 agency about the discharge of the person as required by
23 subsection 2, paragraph "c", shall pay a civil penalty
24 as provided in section 805.8C, subsection 8.

25 Sec. _____. Section 805.8C, Code Supplement 2009, is
26 amended by adding the following new subsection:

27 NEW SUBSECTION. 8. *Notification violations.* For
28 violations of section 229.22, subsection 6, the
29 scheduled fine is one thousand dollars for a first
30 violation and two thousand dollars for a second or
31 subsequent violation. The scheduled fine under this
32 subsection is a civil penalty, and the criminal penalty
33 surcharge under section 911.1 shall not be added to the
34 penalty.>

35 6. Title page, line 2, after <impairment> by
36 inserting <, and providing penalties>

37 7. By renumbering as necessary.

COMMITTEE ON JUDICIARY
SWAIM of Davis, Chairperson