S-5240

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.  The
24 facility or hospital may provide treatment which>
25    3.  Page 3, line 26, by striking <the order of the
26 magistrate> and inserting <this section>
27    4.  Page 3, line 28, after <person.> by inserting
28 <The law enforcement agency shall retrieve the person
29 no later than six hours after notification from the
30 facility or hospital but in no circumstances shall
31 the detention of the person exceed the period of time
32 prescribed for detention by this subsection.>
33    5.  Page 4, by striking lines 1 through 4 and
34 inserting <immediately detained, or if the facility
35 or hospital was required to notify a law enforcement
36 agency by this section, and the law enforcement
37 agency requesting notification prior to discharge
38 retrieved the person no later than six hours after
39 the notification, and the detention prior to the
40 retrieval of the person did not exceed the period of
41 time prescribed for detention by this subsection.>
42    6.  Page 4, before line 5 by inserting:
43    <Sec. ___.  Section 229.22, Code Supplement 2009, is
44 amended by adding the following new subsections:
45    NEW SUBSECTION.  5.  The department of public
46 safety shall prescribe the form to be used when a law
47 enforcement agency desires notification under this
48 section from a facility or hospital prior to discharge
49 of a person admitted to the facility or hospital and
50 for whom an arrest warrant has been issued or against

1 whom charges are pending.  The form shall be consistent
2 with all laws, regulations, and rules relating to the
3 confidentiality or privacy of personal information
4 or medical records, including but not limited to the
5 federal Health Insurance Portability and Accountability
6 Act of 1996, Pub. L. No. 104-191, and regulations
7 promulgated in accordance with that Act and published
8 in 45 C.F.R. pts. 160-64.
9    NEW SUBSECTION.  6.  A facility or hospital,
10 which has been notified by a peace officer or a law
11 enforcement agency by delivery of a form as prescribed
12 by the department of public safety indicating that
13 an arrest warrant has been issued for or charges are
14 pending against a person admitted to the facility or
15 hospital, that does not notify the law enforcement
16 agency about the discharge of the person as required by
17 subsection 2, paragraph ``c´´, shall pay a civil penalty
18 as provided in section 805.8C, subsection 8.
19    Sec. ___.  Section 805.8C, Code Supplement 2009, is
20 amended by adding the following new subsection:
21    NEW SUBSECTION.  8.  *Notification violations.*  For
22 violations of section 229.22, subsection 6, the
23 scheduled fine is one thousand dollars for a first
24 violation and two thousand dollars for a second or
25 subsequent violation.  The scheduled fine under this
26 subsection is a civil penalty, and the criminal penalty
27 surcharge under section 911.1 shall not be added to the
28 penalty.>
29    7.  Title page, line 2, after <impairment> by
30 inserting <, and providing penalties>
31    8.  By renumbering as necessary.