

Senate File 406

H-1335

1 Amend Senate File 406, as passed by the Senate, as
2 follows:

3 1. Page 8, after line 22 by inserting:

4 <Sec. _____. Section 229.22, subsection 2, paragraph
5 a, Code 2013, is amended to read as follows:

6 a. In the circumstances described in subsection
7 1, any peace officer who has reasonable grounds to
8 believe that a person is mentally ill, and because
9 of that illness is likely to physically injure the
10 person's self or others if not immediately detained,
11 may without a warrant take or cause that person to be
12 taken to the nearest available facility or hospital as
13 defined in section 229.11, subsection 1, paragraphs
14 "b" and "c". A person believed mentally ill, and
15 likely to injure the person's self or others if not
16 immediately detained, may be delivered to a facility
17 or hospital by someone other than a peace officer.
18 Upon delivery of the person believed mentally ill to
19 the facility or hospital, the examining physician,
20 examining physician assistant, or examining psychiatric
21 advanced registered nurse practitioner may order
22 treatment of that person, including chemotherapy, but
23 only to the extent necessary to preserve the person's
24 life or to appropriately control behavior by the
25 person which is likely to result in physical injury
26 to that person or others if allowed to continue. The
27 peace officer who took the person into custody, or
28 other party who brought the person to the facility
29 or hospital, shall describe the circumstances of the
30 matter to the examining physician, examining physician
31 assistant, or examining psychiatric advanced registered
32 nurse practitioner. If the person is a peace officer,
33 the peace officer may do so either in person or by
34 written report. If the examining physician, examining
35 physician assistant, or examining psychiatric advanced
36 registered nurse practitioner finds that there
37 is reason to believe that the person is seriously
38 mentally impaired, and because of that impairment
39 is likely to physically injure the person's self or
40 others if not immediately detained, the examining
41 physician, examining physician assistant, or examining
42 psychiatric advanced registered nurse practitioner
43 shall at once communicate with the nearest available
44 magistrate as defined in section 801.4, subsection 10.
45 The magistrate shall, based upon the circumstances
46 described by the examining physician, examining
47 physician assistant, or examining psychiatric advanced
48 registered nurse practitioner, give the examining
49 physician, examining physician assistant, or examining
50 psychiatric advanced registered nurse practitioner

1 oral instructions either directing that the person
2 be released forthwith or authorizing the person's
3 detention in an appropriate facility. A peace officer
4 from the law enforcement agency that took the person
5 into custody, if available, during the communication
6 with the magistrate, may inform the magistrate that
7 an arrest warrant has been issued for or charges
8 are pending against the person and request that any
9 oral or written order issued under this subsection
10 require the facility or hospital to notify the law
11 enforcement agency about the discharge of the person
12 prior to discharge. The magistrate may also give oral
13 instructions and order that the detained person be
14 transported to an appropriate facility.>
15 2. By renumbering as necessary.

GARRETT of Warren