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House File 2462 *5/13 Do Jones (p. 1637)*

HOUSE FILE 2462

Judiciary
DeKoster, Chairperson
Rush
Redmond

10 1978

ING CALENDAR

HOUSE FILE 2462

BY COMMITTEE ON SIFTING

(Formerly Study Bill 508)

Passed House, Date 5-11-78 (p. 2514) Passed Senate, Date 5-13-78 (p. 1631)

Vote: Ayes 58 Nays 2 Vote: Ayes 45 Nays 0

Approved June 29, 1978

A BILL FOR

1 An Act correcting and relating to erroneous and obsolete
2 sections of the Code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Acts of the Sixty-seventh General Assembly,
2 1977 Session, chapter three (3), section three (3), amending
3 section two point ten (2.10), subsection five (5), unnumbered
4 paragraph one (1), Code 1977, is amended to read as follows:

5 The state comptroller shall pay the travel and expenses
6 of the members of the general assembly and the lieutenant
7 governor ~~semi~~monthly commencing with the first pay period
8 after the names of such persons are officially certified.
9 The salaries of the members of the general assembly and
10 lieutenant governor shall be paid pursuant to any of the
11 following alternative methods:

12 Sec. 2. Section fourteen point twenty-two (14.22), Code
13 1977, is amended to read as follows:

14 14.22 APPROPRIATION. There is hereby appropriated out
15 of any money in the treasury not otherwise appropriated an
16 amount sufficient to defray all expenses incurred in the
17 carrying out of the provisions of this chapter, ~~but before~~
18 ~~any obligations for expenditure from this appropriation shall~~
19 ~~be incurred the same shall be approved by the comptroller.~~

20 Sec. 3. Section sixty-four point six (64.6), Code 1977,
21 is amended by striking subsection twenty-three (23).

22 Sec. 4. Sections one hundred seventy point fifteen
23 (170.15), one hundred ninety-two A point twenty-three
24 (192A.23), and two hundred thirty-nine point sixteen (239.16),
25 Code 1977, are repealed.

26 EXPLANATION

27 1. Section 1 corrects an error resulting because the two
28 houses of the general assembly amended a section of law in
29 different manner.

30 2. Section 2 is obsolete since the comptroller's approval
31 is no longer necessary since the Code editor will be under
32 the control of the legislative council.

33 3. Subsection 23 of section 64.6 is no longer necessary
34 since the appeal board is abolished by House File 2033 enacted
35 by the 1978 Session of the General Assembly.

1 4. Sections 170.15, 170.14, and 239.16 are repealed because
2 they are no longer effective because of repeals of other sec-
3 tions.

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H-6652

1 Amend House File 2462 as follows:

2 1. Page 1, by inserting after line 21 the follow-
3 ing new section:
4 "Sec. ____ . Section two hundred twenty-nine point
5 twenty-two (229.22), subsections two (2) and three
6 (3), Code 1977, as amended by Acts of the Sixty-seventh
7 General Assembly, 1978 Session, Senate File three
8 hundred thirty-three (333), section seven (7), is
9 amended to read as follows:
10 2. In the circumstances described in subsection
11 1, any peace officer who has reasonable grounds to
12 believe that a person is mentally ill, and because
13 of that illness is likely to physically injure himself
14 or herself or others if not immediately detained,
15 may without a warrant take or cause that person to
16 be taken to the nearest available facility as defined
17 in section 229.11, subsections 2 and 3. A person
18 believed mentally ill, and likely to injure himself
19 or herself or others if not immediately detained,
20 may be delivered to a hospital by someone other than
21 a peace officer. Upon delivery of the person believed
22 mentally ill to the hospital, the chief medical officer
23 may order treatment of that person, including
24 chemotherapy, but only to the extent necessary to
25 preserve the person's life or to appropriately control
26 behavior by the person which is likely to result in
27 physical injury to that person or others if allowed
28 to continue. The peace officer who took the person
29 into custody, or other party who brought the person
30 to the hospital, shall describe the circumstances
31 of the matter to the chief medical officer. If the
32 chief medical officer finds that there is reason to
33 believe that the person is seriously mentally impaired,
34 and because of that impairment is likely to physically
35 injure himself or herself or others if not immediately
36 detained, the chief medical officer shall ~~enter-a~~
37 ~~written-order-for-the-person-to-be-detained-in-custody~~
38 at once communicate with the nearest available
39 magistrate as defined in section eight hundred one
40 point four (801.4), subsection six (6) of the Code
41 Supplement. The magistrate shall proceed to the
42 facility where the person is detained, except that
43 if the chief medical officer's communication with
44 the magistrate occurs between the hours of midnight
45 and the next succeeding seven o'clock a.m. and the
46 magistrate deems it appropriate under the circumstances
47 described by the chief medical officer, the magistrate
48 may delay going to the facility and in that case shall
49 give the chief medical officer verbal instructions
50 either directing that the person be released forthwith

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1 or authorizing the person's continued detention at
2 that facility. In the latter case, the magistrate
3 shall:
4 a. By the close of business on the next working
5 day, file with the clerk a written report stating
6 the substance of the information on the basis of which
7 the person's continued detention was ordered; and
8 b. Arrive at the facility where the person is
9 being detained not later than eight o'clock a.m. of
10 the same day on which the chief medical officer's
11 notification occurs.
12 3. Upon arrival at the hospital, the magistrate
13 shall at once review the matter. Unless convinced
14 upon initial inquiry that there are no grounds for
15 further detention of the person, the magistrate shall
16 in the manner prescribed by section two hundred twenty-
17 nine point eight (229.8), subsection one (1) of the
18 Code insure that the person has or is provided legal
19 counsel at the earliest practicable time, and shall
20 arrange for the counsel to be present, if practicable,
21 before proceeding further under this section. If
22 the magistrate finds upon review of the report prepared
23 by the chief medical officer under subsection two
24 (2) of this section, and of such other information
25 or evidence as the magistrate deems pertinent, that
26 there is probable cause to believe that the person
27 is seriously mentally impaired and because of that
28 impairment is likely to physically injure himself
29 or herself or others if not detained, the magistrate
30 shall enter a written order for the person to be
31 detained in custody and, if the facility where the
32 person is at that time is not an appropriate hospital,
33 transported to an appropriate hospital. The
34 magistrate's order shall state the circumstances under
35 which the person was taken into custody or otherwise
36 brought to a hospital and the grounds supporting the
37 finding of probable cause to believe that he or she
38 is seriously mentally impaired and likely to physically
39 injure himself or herself or others if not immediately
40 detained. The order shall be filed with the clerk
41 of the district court in the county where it is
42 anticipated that an application will be filed under
43 section two hundred twenty-nine point six (229.6)
44 of the Code, and a certified copy of the order shall
45 be delivered to the chief medical officer of the
46 hospital where the person is detained, at the earliest
47 practicable time."

H-6652 FILED *Adopted* BY MONROE of Des Moines
MAY 11, 1978 *5/11 (p. 2513)*

HOUSE FILE 2462

H-6646

1 Amend House File 2462 as follows:
2 1. Page 1, by inserting after line 25 the following
3 section:
4 "Sec. ____ Chapter five hundred fifty-one (551),
5 Code 1977, is repealed."

H-6646 FILED *Not germane* BY JESSE of Polk
MAY 11, 1978 *5/11 (p. 2513)* NEWHARD of Jones

HOUSE FILE 2462

AN ACT

CORRECTING AND RELATING TO ERRONEOUS AND OBSOLETE SECTIONS
OF THE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter three (3), section three (3), amending section two point ten (2.10), subsection five (5), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The state comptroller shall pay the travel and expenses of the members of the general assembly and the lieutenant governor ~~semi~~monthly commencing with the first pay period after the names of such persons are officially certified. The salaries of the members of the general assembly and lieutenant governor shall be paid pursuant to any of the following alternative methods:

Sec. 2. Section fourteen point twenty-two (14.22), Code 1977, is amended to read as follows:

14.22 APPROPRIATION. There is hereby appropriated out of any money in the treasury not otherwise appropriated an amount sufficient to defray all expenses incurred in the carrying out of the provisions of this chapter ~~but before any obligations for expenditure from this appropriation shall be incurred the same shall be approved by the comptroller.~~

Sec. 3. Section sixty-four point six (64.6), Code 1977, is amended by striking subsection twenty-three (23).

Sec. 4. Section two hundred twenty-nine point twenty-two (229.22), subsections two (2) and three (3), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1978 Session, Senate File three hundred thirty-three (333), section seven (7), is amended to read as follows:

2. In the circumstances described in subsection 1, any

peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure himself or herself or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility as defined in section 229.11, subsections 2 and 3. A person believed mentally ill, and likely to injure himself or herself or others if not immediately detained, may be delivered to a hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the hospital, the chief medical officer may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The peace officer who took the person into custody, or other party who brought the person to the hospital, shall describe the circumstances of the matter to the chief medical officer. If the chief medical officer finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure himself or herself or others if not immediately detained, the chief medical officer shall ~~enter a written order for the person to be detained in custody~~ at once communicate with the nearest available magistrate as defined in section eight hundred one point four (801.4), subsection six (6) of the Code Supplement. The magistrate shall immediately proceed to the facility where the person is detained, except that if the chief medical officer's communication with the magistrate occurs between the hours of midnight and the next succeeding seven o'clock a.m. and the magistrate deems it appropriate under the circumstances described by the chief medical officer, the magistrate may delay going to the facility and in that case shall give the chief medical officer verbal instructions either directing that the person be released

forthwith or authorizing the person's continued detention at that facility. In the latter case, the magistrate shall:

a. By the close of business on the next working day, file with the clerk a written report stating the substance of the information on the basis of which the person's continued detention was ordered; and

b. Arrive at the facility where the person is being detained not later than eight o'clock a.m. of the same day on which the chief medical officer's notification occurs.

3. Upon arrival at the hospital, the magistrate shall at once review the matter. Unless convinced upon initial inquiry that there are no grounds for further detention of the person, the magistrate shall in the manner prescribed by section two hundred twenty-nine point eight (229.8), subsection one (1) of the Code insure that the person has or is provided legal counsel at the earliest practicable time, and shall arrange for the counsel to be present, if practicable, before proceeding further under this section. If the magistrate finds upon review of the report prepared by the chief medical officer under subsection two (2) of this section, and of such other information or evidence as the magistrate deems pertinent, that there is probable cause to believe that the person is seriously mentally impaired and because of that impairment is likely to physically injure himself or herself or others if not detained, the magistrate shall enter a written order for the person to be detained in custody and, if the facility where the person is at that time is not an appropriate hospital, transported to an appropriate hospital. The magistrate's order shall state the circumstances under which the person was taken into custody or otherwise brought to a hospital and the grounds supporting the finding of probable cause to believe that he or she is seriously mentally impaired and likely to physically injure himself or herself or others if not immediately detained. The order shall be filed with the clerk of the district court

in the county where it is anticipated that an application will be filed under section two hundred twenty-nine point six (229.6) of the Code, and a certified copy of the order shall be delivered to the chief medical officer of the hospital where the person is detained, at the earliest practicable time.

Sec. 5. Sections one hundred seventy point fifteen (170.15), one hundred ninety-two A point twenty-three (192A.23), and two hundred thirty-nine point sixteen (239.16), Code 1977, are repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2462, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 29, 1978

ROBERT D. RAY
Governor