

SENATE FILE 350
BY BARTZ

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for alternative or dual diagnoses in mental
2 health and substance abuse involuntary commitments.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 350

1 Section 1. Section 125.80, subsection 3, Code 1995, is
2 amended to read as follows:

3 3. If the report of a court-designated physician is to the
4 effect that the respondent is not a chronic substance abuser,
5 the court, without taking further action, may terminate the
6 proceeding and dismiss the application on its own motion and
7 without notice. If the report of the court-designated
8 physician or physicians is to the effect that the individual
9 is not a chronic substance abuser, but is seriously mentally
10 impaired as defined in section 229.1, the court shall notify
11 the respondent and the county attorney and may treat the
12 application as an application under chapter 229 and conduct a
13 hearing in the manner provided in chapter 229. If the court
14 elects to treat an application filed under this chapter as an
15 application under chapter 229, the county attorney or the
16 respondent may be granted additional time before hearing on
17 the application. A decision by the court to treat the
18 application as an application under chapter 229 may be
19 appealed by the county attorney or the respondent in the same
20 manner as applications under that chapter.

21 Sec. 2. Section 229.10, subsection 3, Code 1995, is
22 amended to read as follows:

23 3. If the report of the court-designated physician or
24 physicians is to the effect that the individual is not
25 seriously mentally impaired, the court may without taking
26 further action terminate the proceeding and dismiss the
27 application on its own motion and without notice. If the
28 report of the court-designated physician or physicians is to
29 the effect that the individual is not seriously mentally
30 impaired, but is a chronic substance abuser as defined in
31 section 125.2, the court shall notify the respondent and the
32 county attorney and may treat the application as an
33 application under chapter 125 and conduct a hearing in the
34 manner provided in chapter 125. If the court elects to treat
35 an application filed under this chapter as an application

1 under chapter 125, the applicant or the respondent may be
2 granted additional time before hearing on the application. A
3 decision by the court to treat the application as an
4 application under chapter 125 may be appealed by the applicant
5 or the respondent in the same manner as applications under
6 that chapter.

7 Sec. 3. NEW SECTION. 229.46 DUAL DIAGNOSES.

8 If an application filed under this chapter alleges that a
9 person is seriously mentally impaired, but the physician's
10 report indicates that the person is both seriously mentally
11 impaired and a chronic substance abuser, the court may treat
12 the application as an application which has been filed under
13 both this chapter and chapter 125. If the court treats the
14 application as an application filed under both chapters, the
15 court shall notify the respondent and the county attorney,
16 shall conduct the hearing as provided in section 229.12, and
17 shall make findings as to whether the respondent is seriously
18 mentally impaired, or a chronic substance abuser, or both
19 seriously mentally impaired and a chronic substance abuser.
20 Orders entered pursuant to this section shall have the same
21 effect as an order entered pursuant to either this chapter or
22 chapter 125, or both this chapter and chapter 125.

23 EXPLANATION

24 This bill provides that an individual who is brought before
25 the court for involuntary commitment for chronic substance
26 abuse and is found instead to be seriously mentally impaired,
27 the court shall notify the respondent and the county attorney
28 and proceed according to chapter 229. If the individual is
29 brought before the court for involuntary commitment for being
30 seriously mentally impaired and is found instead to be a
31 chronic substance abuser, the court shall notify the
32 respondent and the applicant and proceed according to chapter
33 125.

34 The bill also provides for a procedure pursuant to section
35 229.12 for dual diagnoses to apply when an individual is

1 brought before the court as being seriously mentally impaired
2 and is also found to be a chronic substance abuser.

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