

4/10/95 Referred Back Human Resources

FILED MAR 20 1995

SENATE FILE 430
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO SSB 326)

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

A BILL FOR

1 An Act relating to the time period for hearing on an application
2 for hospitalization of a person alleged to be seriously
3 mentally impaired.

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

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S.F. 430

1 Section 1. Section 229.4, subsection 3, Code 1995, is
2 amended to read as follows:

3 3. If the chief medical officer of the hospital, not later
4 than the end of the next secular day on which the office of
5 the clerk of the district court for the county in which the
6 hospital is located is open and which follows the submission
7 of the written request for release of the patient, files with
8 that clerk a certification that in the chief medical officer's
9 opinion the patient is seriously mentally impaired, the
10 release may be postponed for the period of time the court
11 determines is necessary to permit commencement of judicial
12 procedure for involuntary hospitalization. That period of
13 time may not exceed ~~five~~ three days from the date on which the
14 respondent is detained, exclusive of days on which the clerk's
15 office is not open unless the period of time is extended by
16 order of a district court judge for good cause shown. Until
17 disposition of the application for involuntary hospitalization
18 of the patient, if one is timely filed, the chief medical
19 officer may detain the patient in the hospital and may provide
20 treatment which is necessary to preserve the patient's life,
21 or to appropriately control behavior by the patient which is
22 likely to result in physical injury to the patient or to
23 others if allowed to continue, but may not otherwise provide
24 treatment to the patient without the patient's consent.

25 Sec. 2. Section 229.8, subsection 3, paragraph a, Code
26 1995, is amended to read as follows:

27 a. If not previously done, set a time and place for a
28 hospitalization hearing, which shall be at the earliest
29 practicable time not less than forty-eight hours after notice
30 to the respondent, unless the respondent waives such minimum
31 prior notice requirement and not more than three days from the
32 date on which the respondent is taken into custody or receives
33 notice, unless that time is extended for good cause shown; and

34 Sec. 3. Section 229.10, subsection 4, Code 1995, is
35 amended to read as follows:

1 4. If the report of the court-designated physician or
2 physicians is to the effect that the respondent is seriously
3 mentally impaired, the court shall schedule a hearing on the
4 application as soon as possible. The hearing shall be held not
5 more than ~~forty-eight-hours-after-the-report-is-filed~~ three
6 days from the date on which the respondent is taken into
7 custody or, if the respondent is not taken into custody, not
8 more than three days from the date that the respondent is
9 served notice of the filing of application, excluding
10 Saturdays, Sundays and holidays, unless an extension for good
11 cause is requested by the respondent or the court-designated
12 physician, or as soon thereafter as possible if the court
13 considers that sufficient grounds exist for delaying the
14 hearing.

15 Sec. 4. Section 229.11, unnumbered paragraph 1, Code 1995,
16 is amended to read as follows:

17 If the applicant requests that the respondent be taken into
18 immediate custody and the judge, upon reviewing the
19 application and accompanying documentation, finds probable
20 cause to believe that the respondent is seriously mentally
21 impaired and is likely to injure the respondent or other
22 persons if allowed to remain at liberty, the judge may enter a
23 written order directing that the respondent be taken into
24 immediate custody by the sheriff or the sheriff's deputy and
25 be detained until the hospitalization hearing, which shall be
26 held no more than ~~five~~ three days after the date ~~of-the-order~~
27 on which the respondent is taken into custody, except that if
28 the ~~fifth~~ third day after the date of the order is a Saturday,
29 Sunday, or a holiday, the hearing may be held on the next
30 succeeding business day. The physician conducting the
31 examination under section 229.10 may request that the date set
32 for hearing on the application be extended, for up to an
33 additional forty-eight hours, for purposes of conducting the
34 examination prior to hearing. The judge may order the
35 respondent detained for the period of time until the hearing

1 is held, and no longer, in accordance with subsection 1 if
2 possible, and if not then in accordance with subsection 2 or,
3 only if neither of these alternatives are available, in
4 accordance with subsection 3. Detention may be:

5 EXPLANATION

6 This bill shortens the time period in which hearings on
7 applications for the commitment of persons alleged to be
8 seriously mentally impaired must be held from five to three
9 days from the date on which the respondent is taken into
10 custody or served with notice of the filing of the
11 application. Provision is made for the granting of an
12 extension of time, of up to 48 hours, to the examining
13 physician for purposes of conducting the examination of the
14 respondent or by the respondent.

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Szymoniak
Vilsack
Boettger

SSB 326
Human Resources
SENATE FILE #30
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY CHAIR-
PERSON SZYMONIAK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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10 release may be postponed for the period of time the court
11 determines is necessary to permit commencement of judicial
12 procedure for involuntary hospitalization. That period of
13 time may not exceed five three days from the date on which the
14 respondent is detained, exclusive of days on which the clerk's
15 office is not open unless the period of time is extended by
16 order of a district court judge for good cause shown. Until
17 disposition of the application for involuntary hospitalization
18 of the patient, if one is timely filed, the chief medical
19 officer may detain the patient in the hospital and may provide
20 treatment which is necessary to preserve the patient's life,
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20 cause to believe that the respondent is seriously mentally
21 impaired and is likely to injure the respondent or other
22 persons if allowed to remain at liberty, the judge may enter a
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24 immediate custody by the sheriff or the sheriff's deputy and
25 be detained until the hospitalization hearing, which shall be
26 held no more than ~~five~~ three days after the date of ~~the order~~
27 on which the respondent is taken into custody, except that if
28 the ~~fifth~~ third day after the date of the order is a Saturday,
29 Sunday, or a holiday, the hearing may be held on the next
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31 examination under section 229.10 may request that the date set
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33 additional forty-eight hours, for purposes of conducting the
34 examination prior to hearing. The judge may order the
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