

Senate Study Bill 326

Conference Committee Text

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1 1 Section 1. Section [229.4](#), subsection 3, Code 1995, is
1 2 amended to read as follows:
1 3 3. If the chief medical officer of the hospital, not later
1 4 than the end of the next secular day on which the office of
1 5 the clerk of the district court for the county in which the
1 6 hospital is located is open and which follows the submission
1 7 of the written request for release of the patient, files with
1 8 that clerk a certification that in the chief medical officer's
1 9 opinion the patient is seriously mentally impaired, the
1 10 release may be postponed for the period of time the court
1 11 determines is necessary to permit commencement of judicial
1 12 procedure for involuntary hospitalization. That period of
1 13 time may not exceed

~~five~~

~~three days from the date on which the~~

1 14 ~~respondent is detained~~, exclusive of days on which the clerk's
1 15 office is not open unless the period of time is extended by
1 16 order of a district court judge for good cause shown. Until
1 17 disposition of the application for involuntary hospitalization
1 18 of the patient, if one is timely filed, the chief medical
1 19 officer may detain the patient in the hospital and may provide
1 20 treatment which is necessary to preserve the patient's life,
1 21 or to appropriately control behavior by the patient which is
1 22 likely to result in physical injury to the patient or to
1 23 others if allowed to continue, but may not otherwise provide
1 24 treatment to the patient without the patient's consent.

1 25 Sec. 2. Section 229.8, subsection 3, paragraph a, Code
1 26 1995, is amended to read as follows:

1 27 a. If not previously done, set a time and place for a
1 28 hospitalization hearing, which shall be at the earliest
1 29 practicable time not less than forty-eight hours after notice
1 30 to the respondent, unless the respondent waives such minimum
1 31 prior notice requirement and not more than three days from the
1 32 date on which the respondent is taken into custody or receives
1 33 notice, unless that time is extended for good cause shown; and

1 34 Sec. 3. Section [229.10](#), subsection 4, Code 1995, is
1 35 amended to read as follows:

2 1 4. If the report of the court-designated physician or
2 2 physicians is to the effect that the respondent is seriously
2 3 mentally impaired, the court shall schedule a hearing on the
2 4 application as soon as possible. The hearing shall be held not
2 5 more than

~~forty eight hours after the report is filed~~

~~three~~

2 6 days from the date on which the respondent is taken into
2 7 custody or, if the respondent is not taken into custody, not
2 8 more than three days from the date that the respondent is
2 9 served notice of the filing of application, excluding
2 10 Saturdays, Sundays and holidays, unless an extension for good
2 11 cause is requested by the respondent or the court-designated
2 12 physician, or as soon thereafter as possible if the court
2 13 considers that sufficient grounds exist for delaying the
2 14 hearing.

2 15 Sec. 4. Section [229.11](#), unnumbered paragraph 1, Code 1995,

2 16 is amended to read as follows:

2 17 If the applicant requests that the respondent be taken into
2 18 immediate custody and the judge, upon reviewing the
2 19 application and accompanying documentation, finds probable
2 20 cause to believe that the respondent is seriously mentally
2 21 impaired and is likely to injure the respondent or other
2 22 persons if allowed to remain at liberty, the judge may enter a
2 23 written order directing that the respondent be taken into
2 24 immediate custody by the sheriff or the sheriff's deputy and
2 25 be detained until the hospitalization hearing, which shall be
2 26 held no more than

~~five~~

- three days after the date

~~of the order~~

-
2 27 on which the respondent is taken into custody, except that if
2 28 the

~~fifth~~

- third day after the date of the order is a Saturday,
2 29 Sunday, or a holiday, the hearing may be held on the next
2 30 succeeding business day. The physician conducting the
2 31 examination under section 229.10 may request that the date set
2 32 for hearing on the application be extended, for up to an
2 33 additional forty-eight hours, for purposes of conducting the
2 34 examination prior to hearing. The judge may order the
2 35 respondent detained for the period of time until the hearing
3 1 is held, and no longer, in accordance with subsection 1 if
3 2 possible, and if not then in accordance with subsection 2 or,
3 3 only if neither of these alternatives are available, in
3 4 accordance with subsection 3. Detention may be:

3 5 EXPLANATION

3 6 This bill shortens the time period in which hearings on
3 7 applications for the commitment of persons alleged to be
3 8 seriously mentally impaired must be held from five to three
3 9 days from the date on which the respondent is taken into
3 10 custody or served with notice of the filing of the
3 11 application. Provision is made for the granting of an
3 12 extension of time, of up to 48 hours, to the examining
3 13 physician for purposes of conducting the examination of the
3 14 respondent or by the respondent.

3 15 LSB 2434SC 76

3 16 lh/cf/24