

JAN 31 2000

JUDICIARY

HOUSE FILE
BY KREIMAN

2093

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

A BILL FOR

1 An Act relating to certain civil commitment procedures.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2093

1 Section 1. Section 125.75, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. Contain a certification that the
4 applicant is not aware of any other pending actions under
5 chapter 125 or 229 involving the same respondent.

6 Sec. 2. Section 125.80, subsection 2, unnumbered paragraph
7 1, Code 1999, is amended to read as follows:

8 A written report of the examination by a court-designated
9 physician shall be filed with the clerk immediately after
10 conducting the examination, prior to the hearing date. If the
11 facilities are available, a copy of the report shall also be
12 electronically submitted by facsimile transmission or via e-
13 mail or the internet, to the court, the county attorney, the
14 respondent's attorney, the respondent's patient advocate, if
15 one has been appointed under any Code section, and the
16 respondent, prior to filing the written report with the court.

17 A written report of an examination by a physician chosen by
18 the respondent ~~may~~ shall be similarly filed. The clerk shall
19 immediately:

20 a. Cause a report to be shown to the judge who issued the
21 order.

22 b. Cause the respondent's attorney to receive a copy of
23 the report of a court-designated physician.

24 Sec. 3. Section 125.81, unnumbered paragraph 1, Code 1999,
25 is amended to read as follows:

26 If a person filing an application requests that a
27 respondent be taken into immediate custody, and the court upon
28 reviewing the application and accompanying documentation,
29 finds probable cause to believe that the respondent is a
30 chronic substance abuser who is likely to injure the person or
31 other persons if allowed to remain at liberty, the court may
32 enter a written order directing that the respondent be taken
33 into immediate custody by the sheriff, and be detained until
34 the commitment hearing, which shall be held no more than five
35 business days after the date of the order, ~~except that if the~~

1 ~~fifth-day-after-the-date-of-the-order-is-a-Saturday,-Sunday,~~
2 ~~or-a-holiday,-the-hearing-may-be-held-on-the-next-business~~
3 ~~day.~~ The court may order the respondent detained for the
4 period of time until the hearing is held, and no longer except
5 as provided in section 125.88, in accordance with subsection 1
6 if possible, and if not, then in accordance with subsection 2
7 or, only if neither of these alternatives is available in
8 accordance with subsection 3. Detention may be:

9 Sec. 4. Section 229.6, Code 1999, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 4. Contain a certification that the
12 applicant is not aware of any other pending actions under
13 chapter 125 or 229 involving the same respondent.

14 Sec. 5. Section 229.10, subsection 2, unnumbered paragraph
15 1, Code 1999, is amended to read as follows:

16 A written report of the examination by the court-designated
17 physician or physicians shall be filed with the clerk
18 immediately after conducting the examination, prior to the
19 time set for hearing. If the facilities are available, a copy
20 of the report shall also be electronically submitted by
21 facsimile transmission or via e-mail or the internet, to the
22 court, the county attorney, the respondent's attorney, the
23 respondent's patient advocate, and the respondent, prior to
24 filing the written report with the court in order to
25 facilitate timely review of the report contents by the
26 parties. A written report of any examination by a physician
27 chosen by the respondent shall be similarly filed. The clerk
28 shall immediately:

29 Sec. 6. Section 229.11, unnumbered paragraph 1, Code 1999,
30 is amended to read as follows:

31 If the applicant requests that the respondent be taken into
32 immediate custody and the judge, upon reviewing the
33 application and accompanying documentation, finds probable
34 cause to believe that the respondent has a serious mental
35 impairment and is likely to injure the respondent or other

1 persons if allowed to remain at liberty, the judge may enter a
2 written order directing that the respondent be taken into
3 immediate custody by the sheriff or the sheriff's deputy and
4 be detained until the hospitalization hearing. The
5 hospitalization hearing shall be held no more than five
6 business days after the date of the order, ~~except that if the~~
7 ~~fifth day after the date of the order is a Saturday, Sunday,~~
8 ~~or a holiday, the hearing may be held on the next succeeding~~
9 ~~business day.~~ If the expenses of a respondent are payable in
10 whole or in part by a county, for a placement in accordance
11 with subsection 1, the judge shall give notice of the
12 placement to the single entry point process, and for a
13 placement in accordance with subsection 2 or 3, the judge
14 shall order the placement in a hospital or facility designated
15 through the single entry point process. The judge may order
16 the respondent detained for the period of time until the
17 hearing is held, and no longer, in accordance with subsection
18 1 if possible, and if not then in accordance with subsection 2
19 or, only if neither of these alternatives is available, in
20 accordance with subsection 3. Detention may be:

21 EXPLANATION

22 This bill amends certain procedures relating to civil
23 commitment.

24 The bill requires applicants for substance abuse
25 commitments under Code chapter 125 and involuntary
26 hospitalization under Code chapter 229 to certify that the
27 applicant is not aware of any pending commitment proceeding
28 under Code chapter 125 or 229 involving the same respondent.

29 The bill requires that the report regarding the medical
30 evaluation of the respondent required under Code chapters 125
31 and 229 be filed with the court immediately after the
32 evaluation and, where possible, that a copy of the report be
33 sent electronically to the parties involved in the hearing
34 prior to the filing of the written report with the court.

35 The bill also specifies that the hearing on the application

1 for involuntary hospitalizations under Code chapters 125 and
2 229 be held within five business days, rather than five days,
3 after an order to immediately detain the respondent is issued
4 by the court.

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