

JAN 3 0 2006

JUDICIARY

HOUSE FILE 2168

BY JACOBS

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the time period in which an involuntary
2 hospitalization hearing for chronic substance abusers and
3 mentally ill persons must be held.

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

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HF 2168

TLSB 6167HH 81

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S.F. _____

H.F. 2168

1 Section 1. Section 125.81, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 If a person filing an application requests that a
4 respondent be taken into immediate custody, and the court upon
5 reviewing the application and accompanying documentation,
6 finds probable cause to believe that the respondent is a
7 chronic substance abuser who is likely to injure the person or
8 other persons if allowed to remain at liberty, the court may
9 enter a written order directing that the respondent be taken
10 into immediate custody by the sheriff, and be detained until
11 the commitment hearing, which shall be held no more than five
12 three days after the date of the order, except that if the
13 fifth third day after the date of the order is a Saturday,
14 Sunday, or a holiday, the hearing may be held on the next
15 business day. The court may order the respondent detained for
16 the period of time until the hearing is held, and no longer
17 except as provided in section 125.88, in accordance with
18 subsection 1 if possible, and if not, then in accordance with
19 subsection 2 or, only if neither of these alternatives is
20 available in accordance with subsection 3. Detention may be:

21 Sec. 2. Section 229.11, unnumbered paragraph 1, Code 2005,
22 is amended to read as follows:

23 If the applicant requests that the respondent be taken into
24 immediate custody and the judge, upon reviewing the
25 application and accompanying documentation, finds probable
26 cause to believe that the respondent has a serious mental
27 impairment and is likely to injure the respondent or other
28 persons if allowed to remain at liberty, the judge may enter a
29 written order directing that the respondent be taken into
30 immediate custody by the sheriff or the sheriff's deputy and
31 be detained until the hospitalization hearing. The
32 hospitalization hearing shall be held no more than five three
33 days after the date of the order, except that if the fifth
34 third day after the date of the order is a Saturday, Sunday,
35 or a holiday, the hearing may be held on the next succeeding

1 business day. If the expenses of a respondent are payable in
2 whole or in part by a county, for a placement in accordance
3 with subsection 1, the judge shall give notice of the
4 placement to the central point of coordination process, and
5 for a placement in accordance with subsection 2 or 3, the
6 judge shall order the placement in a hospital or facility
7 designated through the central point of coordination process.
8 The judge may order the respondent detained for the period of
9 time until the hearing is held, and no longer, in accordance
10 with subsection 1 if possible, and if not then in accordance
11 with subsection 2 or, only if neither of these alternatives is
12 available, in accordance with subsection 3. Detention may be:

13 EXPLANATION

14 This bill relates to the time period in which an
15 involuntary hospitalization (commitment) hearing is held for
16 chronic substance abusers and mentally ill persons.

17 The bill provides that an involuntary hospitalization
18 hearing shall be held not more than three days after the date
19 of a court order directing that the substance abuser or
20 mentally ill person be taken into immediate custody by the
21 sheriff or the sheriff's deputy except that if the third day
22 after the date of the order is a Saturday, Sunday, or a
23 holiday, the hearing may be held on the next succeeding
24 business day. Current law provides that an involuntary
25 hospitalization hearing may be held up to five days after the
26 date of the order in such cases.

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