

FILED MAR 1 2005

SENATE FILE 238  
BY HATCH

JUDICIARY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to involuntary commitment hearings in substance  
2 abuse and mental health cases.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ICWA:

S F 238  
JUDICIARY

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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 involuntary commitment hearings in  
15 substance abuse and mental health cases.

16 The bill provides that an involuntary civil commitment  
17 hearing in a substance abuse or mental health case shall be  
18 held no later than three days after a court order directing  
19 that the person against whom an application for involuntary  
20 commitment has been filed be taken into immediate custody.  
21 Current law allows the hearing to be held no more than five  
22 days after such a person has been detained in both cases.

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