

**House Study Bill 189 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER)

**A BILL FOR**

1 An Act relating to the emergency hospitalization of a person  
2 with a serious mental illness.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229.22, subsection 1, Code 2015, is  
2 amended by striking the subsection.

3 Sec. 2. Section 229.22, subsection 2, paragraph a,  
4 subparagraph (1), Code 2015, is amended to read as follows:

5 ~~(1) In the circumstances described in subsection 1, any~~  
6 Any peace officer who has reasonable grounds to believe that  
7 a person is mentally ill, and because of that illness is  
8 likely to physically injure the person's self or others if  
9 not immediately detained, may without a warrant take or cause  
10 that person to be taken to the nearest available facility or  
11 hospital as defined in section 229.11, subsection 1, paragraphs  
12 "b" and "c". A person believed mentally ill, and likely to  
13 injure the person's self or others if not immediately detained,  
14 may be delivered to a facility or hospital by someone other  
15 than a peace officer.

16 Sec. 3. Section 229.22, subsection 3, Code 2015, is amended  
17 to read as follows:

18 3. The chief medical officer of the facility or hospital  
19 shall examine and may detain and care for the person taken into  
20 custody under the magistrate's order for a period not to exceed  
21 ~~forty-eight hours~~ five days from the time such order is dated,  
22 excluding Saturdays, Sundays and holidays, unless the order is  
23 sooner dismissed by a magistrate. The facility or hospital may  
24 provide treatment which is necessary to preserve the person's  
25 life, or to appropriately control behavior by the person which  
26 is likely to result in physical injury to the person's self  
27 or others if allowed to continue, but ~~may~~ shall not otherwise  
28 provide treatment to the person without the person's consent.  
29 The person shall be discharged from the facility or hospital  
30 and released from custody not later than the expiration of  
31 that period, unless an application is sooner filed with the  
32 clerk pursuant to section 229.6. Prior to such discharge the  
33 facility or hospital shall, if required by this section, notify  
34 the law enforcement agency requesting such notification about  
35 the discharge of the person. The law enforcement agency shall

1 retrieve the person no later than six hours after notification  
2 from the facility or hospital but in no circumstances shall the  
3 detention of the person exceed the period of time prescribed  
4 for detention by this subsection. The detention of any  
5 person by the procedure and not in excess of the period of  
6 time prescribed by this section shall not render the peace  
7 officer, physician, facility, or hospital so detaining that  
8 person liable in a criminal or civil action for false arrest or  
9 false imprisonment if the peace officer, physician, facility,  
10 or hospital had reasonable grounds to believe the person so  
11 detained was mentally ill and likely to physically injure  
12 the person's self or others if not immediately detained, or  
13 if the facility or hospital was required to notify a law  
14 enforcement agency by this section, and the law enforcement  
15 agency requesting notification prior to discharge retrieved the  
16 person no later than six hours after the notification, and the  
17 detention prior to the retrieval of the person did not exceed  
18 the period of time prescribed for detention by this subsection.

19

EXPLANATION

20           The inclusion of this explanation does not constitute agreement with  
21           the explanation's substance by the members of the general assembly.

22       This bill relates to the emergency hospitalization of a  
23 person with a serious mental illness.

24       Current Code section 229.22 specifies emergency  
25 hospitalization procedures for a seriously mentally  
26 impaired person outside of regular court hours to allow  
27 emergency detention and treatment services for a seriously  
28 mentally impaired person if an application for involuntary  
29 hospitalization has not been filed with the court pursuant to  
30 Code section 229.6.

31       The bill amends this Code section to allow emergency  
32 detention and treatment services for a seriously mentally  
33 impaired person regardless of whether an application for  
34 involuntary hospitalization is filed.

35       The bill also extends the period of time a chief medical

1 officer of a facility or hospital may detain and care for a  
2 person taken into custody pursuant to Code section 229.22 from  
3 up to 48 hours to up to five days.

4 Under Code section 229.1, "seriously mentally impaired"  
5 or "serious mental impairment" describes the condition of  
6 a person with mental illness and because of that illness  
7 lacks sufficient judgment to make responsible decisions with  
8 respect to the person's hospitalization or treatment, and  
9 who because of that illness is likely to physically injure  
10 the person's self or others if allowed to remain at liberty  
11 without treatment; is likely to inflict serious emotional  
12 injury on members of the person's family or others who lack  
13 reasonable opportunity to avoid contact with the person with  
14 mental illness if the person with mental illness is allowed to  
15 remain at liberty without treatment; or is unable to satisfy  
16 the person's needs for nourishment, clothing, essential medical  
17 care, or shelter so that it is likely that the person will  
18 suffer physical injury, physical debilitation, or death.