

House File 2347 - Introduced

HOUSE FILE 2347

BY HEATON and BERGAN

A BILL FOR

1 An Act relating to the involuntary commitment or
2 hospitalization of a person with a serious mental impairment
3 or a substance-related disorder who is taken into immediate
4 custody.

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

1 Section 1. Section 125.81, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. If a respondent is detained pursuant
4 to subsection 2, paragraph "b" or "c", the court may include in
5 the order entered pursuant to subsection 1 that if a licensed
6 physician or mental health professional who has examined
7 the respondent reclassifies the respondent's level of care
8 to a lower level of care, the licensed physician or mental
9 health professional shall notify the court in writing within
10 twenty-four hours of the reclassification.

11 Sec. 2. Section 229.11, Code 2018, is amended by adding the
12 following new subsections:

13 NEW SUBSECTION. 1A. If a respondent is detained pursuant
14 to subsection 1, paragraph "b" or "c", the judge may include in
15 the order entered pursuant to subsection 1 that if a licensed
16 physician or mental health professional who has examined
17 the respondent reclassifies the respondent's level of care
18 to a lower level of care, the licensed physician or mental
19 health professional shall notify the court in writing within
20 twenty-four hours of the reclassification.

21 NEW SUBSECTION. 4. The respondent's attorney may be
22 allowed by the court to present evidence and arguments prior
23 to the court's determination under this section. If such an
24 opportunity is not provided at that time, the respondent's
25 attorney shall be allowed to present evidence and arguments
26 after the issuance of the court's order of confinement and
27 while the respondent is confined.

28 EXPLANATION

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

31 This bill relates to an emergency involuntary commitment or
32 hospitalization of a person with a serious mental impairment
33 or a substance-related disorder who is taken into immediate
34 custody.

35 The bill provides if a respondent who is the subject of

1 a petition for involuntary commitment or treatment due to a
2 substance-related disorder is detained in a suitable hospital
3 or facility pursuant to an order for immediate custody, the
4 judge may include in the order that if a licensed physician
5 or mental health professional who has examined the respondent
6 reclassifies the respondent's level of care to a lower level
7 of care, the licensed physician or mental health professional
8 shall notify the court in writing within 24 hours of the
9 reclassification.

10 The bill provides that if a respondent who is the subject
11 of a petition for involuntary hospitalization for a serious
12 mental impairment is detained in a suitable hospital or
13 facility pursuant to an order for immediate custody, the
14 judge may include in the order that if a licensed physician
15 or mental health professional who has examined the respondent
16 reclassifies the respondent's level of care to a lower level
17 of care, the licensed physician or mental health professional
18 shall notify the court in writing within 24 hours of the
19 reclassification.

20 Under current law, if a petition for involuntary
21 hospitalization for a person with a serious mental impairment
22 requests that the respondent who is the subject of the
23 application be taken into immediate custody, the judge must
24 review the petition and accompanying documentation. The bill
25 provides the respondent's attorney may be allowed by the
26 court to present evidence and arguments prior to the court's
27 determination ordering the respondent into immediate custody.
28 If such an opportunity is not provided at that time, the
29 respondent's attorney shall be allowed to present evidence
30 and arguments after the issuance of the court's order of
31 confinement and while the respondent is confined.