

Senate File 513 - Reprinted

SENATE FILE 513
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 395)

(As Amended and Passed by the Senate March 9, 2022)

A BILL FOR

1 An Act relating to persons experiencing a mental health crisis,
2 substance-related disorder crisis, or housing crisis.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, Code 2022, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 5A. *a.* A crisis intervention report
4 generated by a law enforcement agency regarding a person
5 experiencing a mental health crisis, substance-related disorder
6 crisis, or housing crisis, when the report is generated
7 for the specific purpose of providing crisis intervention
8 information to assist peace officers under any of the following
9 circumstances:

10 (1) De-escalating conflicts.

11 (2) Referring a person experiencing a mental health crisis,
12 substance-related disorder crisis, or housing crisis to a
13 mental health treatment provider, substance-related disorder
14 treatment provider, homeless service provider, or any other
15 appropriate service provider.

16 *b.* A crisis intervention report generated for the purposes
17 of this subsection shall be made available to the person who
18 is the subject of the report upon the request of the person who
19 is the subject of the report, and may be provided to a mental
20 health treatment provider, substance-related disorder treatment
21 provider, homeless service provider, or any other appropriate
22 service provider in connection with a referral for services.

23 *c.* Crisis intervention reports generated for the purposes of
24 this subsection are not peace officers' investigative reports
25 under subsection 5.

26 *d.* Notwithstanding other provisions of this subsection,
27 the date, time, specific location, and immediate facts and
28 circumstances surrounding a crime or incident shall not be kept
29 confidential under this subsection, except where disclosure
30 would pose a clear and present danger to the safety of the
31 person subject to the crisis intervention report or the safety
32 of others.

33 *e.* For the purposes of this subsection:

34 (1) "*Crisis intervention report*" or "*report*" means a report
35 generated by a law enforcement agency using a prescribed form

1 created by the department of justice to record the following
2 information relevant to assess the nature of a crisis:

3 (a) Any biological or chemical causes of the crisis.

4 (b) Any observed demeanors and behaviors of the person
5 experiencing the crisis.

6 (c) Persons notified in relation to the crisis.

7 (d) Whether suicide or injuries occurred in relation to the
8 crisis and the extent of those injuries.

9 (e) Whether weapons were involved in the crisis and a
10 description of the weapon.

11 (f) The disposition of the crisis intervention and any crime
12 committed.

13 (2) "*Housing crisis*" means a situation where a person is
14 experiencing homelessness, a lack of adequate or safe housing,
15 or is in imminent danger of homelessness or lack of adequate or
16 safe housing.

17 Sec. 2. Section 125.2, Code 2022, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 11A. "*Magistrate*" means the same as defined
20 in section 801.4, subsection 10.

21 Sec. 3. Section 125.91, subsection 2, Code 2022, is amended
22 to read as follows:

23 2. a. A peace officer who has reasonable grounds to
24 believe that the circumstances described in [subsection 1](#) are
25 applicable may, without a warrant, take or cause that person
26 to be taken to the nearest available facility referred to in
27 section 125.81, subsection 2, paragraph "b" or "c". Such a
28 person with a substance-related disorder due to intoxication
29 or substance-induced incapacitation who also demonstrates
30 a significant degree of distress or dysfunction may also
31 be delivered to a facility by someone other than a peace
32 officer upon a showing of reasonable grounds. Upon delivery
33 of the person to a facility under [this section](#), the attending
34 physician and surgeon or osteopathic physician and surgeon may
35 order treatment of the person, but only to the extent necessary

1 to preserve the person's life or to appropriately control
2 the person's behavior if the behavior is likely to result in
3 physical injury to the person or others if allowed to continue.
4 The peace officer or other person who delivered the person to
5 the facility shall describe the circumstances of the matter to
6 the attending physician and surgeon or osteopathic physician
7 and surgeon. If the person is a peace officer, the peace
8 officer may do so either in person or by written report.

9 b. If the attending physician and surgeon or osteopathic
10 physician and surgeon has reasonable grounds to believe that
11 the circumstances in [subsection 1](#) are applicable, the facility
12 shall have the authority to detain the person for a period of
13 no longer than twelve hours. Within twelve hours of detaining
14 a person pursuant to this section, the attending physician
15 shall ~~at once~~ communicate with the nearest available magistrate
16 ~~as defined in [section 801.4, subsection 10](#).~~

17 c. The Once contacted pursuant to paragraph "b", the
18 magistrate shall, based upon the circumstances described by
19 the attending physician and surgeon or osteopathic physician
20 and surgeon, give the attending physician and surgeon or
21 osteopathic physician and surgeon oral instructions either
22 directing that the person be released forthwith, or authorizing
23 the person's detention in an appropriate facility. The
24 magistrate may also give oral instructions and order that the
25 detained person be transported to an appropriate facility.

26 ~~b.~~ d. If the magistrate orders that the person be detained,
27 the magistrate shall, by the close of business on the next
28 working day, file a written order with the clerk in the county
29 where it is anticipated that an application may be filed
30 under [section 125.75](#). The order may be filed by facsimile
31 if necessary. The order shall state the circumstances under
32 which the person was taken into custody or otherwise brought
33 to a facility and the grounds supporting the finding of
34 probable cause to believe that the person is a person with
35 a substance-related disorder likely to result in physical

1 injury to the person or others if not detained. The order
2 shall confirm the oral order authorizing the person's detention
3 including any order given to transport the person to an
4 appropriate facility. The clerk shall provide a copy of that
5 order to the attending physician and surgeon or osteopathic
6 physician and surgeon at the facility to which the person was
7 originally taken, any subsequent facility to which the person
8 was transported, and to any law enforcement department or
9 ambulance service that transported the person pursuant to the
10 magistrate's order.

11 Sec. 4. Section 229.1, Code 2022, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 8A. "Magistrate" means the same as defined
14 in section 801.4, subsection 10.

15 Sec. 5. Section 229.22, subsection 2, paragraph a,
16 subparagraphs (4) and (5), Code 2022, are amended to read as
17 follows:

18 (4) (a) If the examining physician, examining physician
19 assistant, examining mental health professional, or examining
20 psychiatric advanced registered nurse practitioner finds
21 that there is reason to believe that the person is seriously
22 mentally impaired, and because of that impairment is likely
23 to physically injure the person's self or others if not
24 immediately detained, the facility shall have the authority
25 to detain the person for a period of no longer than twelve
26 hours. Within twelve hours of detaining a person pursuant to
27 this section, the examining physician, examining physician
28 assistant, examining mental health professional, or examining
29 psychiatric advanced registered nurse practitioner shall ~~at~~
30 ~~once~~ communicate with the nearest available magistrate as
31 ~~defined in section 801.4, subsection 10.~~

32 ~~(5)~~ (b) The Once contacted pursuant to subparagraph
33 division (a), the magistrate shall, based upon the
34 circumstances described by the examining physician, examining
35 physician assistant, examining mental health professional, or

1 examining psychiatric advanced registered nurse practitioner,
2 give the examining physician, examining physician assistant,
3 examining mental health professional, or examining psychiatric
4 advanced registered nurse practitioner oral instructions either
5 directing that the person be released forthwith or authorizing
6 the person's detention in an appropriate facility. A peace
7 officer from the law enforcement agency that took the person
8 into custody, if available, during the communication with the
9 magistrate, may inform the magistrate that an arrest warrant
10 has been issued for or charges are pending against the person
11 and request that any oral or written order issued under this
12 subsection require the facility or hospital to notify the law
13 enforcement agency about the discharge of the person prior to
14 discharge. The magistrate may also give oral instructions and
15 order that the detained person be transported to an appropriate
16 facility.

17 Sec. 6. Section 331.910, subsection 3, paragraph a, Code
18 2022, is amended to read as follows:

19 a. A region may contract with a receiving agency in a
20 bordering state to secure substance abuse or mental health care
21 and treatment under [this subsection](#) for persons who receive
22 substance abuse or mental health care and treatment pursuant to
23 section 125.33 ~~or~~, [125.91](#), [229.2](#), or [229.22](#) through a region.

24 Sec. 7. Section 331.910, subsection 4, paragraphs a and b,
25 Code 2022, are amended to read as follows:

26 a. A person who is detained, committed, or placed on an
27 involuntary basis under [section 125.75](#) ~~or~~, [125.91](#), [229.6](#), or
28 [229.22](#) may be civilly committed and treated in another state
29 pursuant to a contract under [this subsection](#).

30 b. A person who is detained, committed, or placed on
31 an involuntary basis under the civil commitment laws of a
32 bordering state substantially similar to [section 125.75](#) ~~or~~,
33 [125.91](#), [229.6](#), or [229.22](#) may be civilly committed and treated
34 in this state pursuant to a contract under [this subsection](#).