SENATE FILE 513
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 395)

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

_____ and [= New Language by the Senate

A BILL FOR

An Act relating to persons experiencing a mental health crisis, substance-related disorder crisis, or housing crisis.

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

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

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

(1) De-escalating conflicts.

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

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

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

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

e. For the purposes of this subsection:

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

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

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

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

(c) Persons notified in relation to the crisis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. A region may contract with a receiving agency in a bordering state to secure substance abuse or mental health care and treatment under this subsection for persons who receive substance abuse or mental health care and treatment pursuant to section 125.33 ~~or~~, 125.91, 229.2, or 229.22 through a region.

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

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75 ~~or~~, 125.91, 229.6, or 229.22 may be civilly committed and treated in another state pursuant to a contract under this subsection.

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

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