

HOUSE AMENDMENT NO.\_\_\_\_  
TO  
HOUSE AMENDMENT NO.\_\_\_\_

Offered By

AMEND House Amendment No.\_\_\_\_ to House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 1, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 19, Section 190.147, Line 20, by inserting "and in compliance with section 632.305" after the word "transport"; and

Further amend said bill, section, and page, Line 26, by inserting "in compliance with section 632.305," after the word "manner"; and

Further amend said bill, section, and page, Line 31, by inserting "and in compliance with section 632.305," after the word "section"; and

Further amend said bill, Page 49,"; and

Further amend said amendment and page, Line 21, by deleting all of said line and inserting in lieu thereof the following:

"civilly liable for complying with the provisions of this section.

632.305. 1. An application for detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and must allege under oath that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or to others. The application must specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a

Action Taken\_\_\_\_\_ Date \_\_\_\_\_

review of affidavits, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or others, it shall direct a peace officer or EMT-P, as defined in section 90.100, to take the respondent into custody and transport him to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer or EMT-P to take or a peace officer or EMT-P may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer or EMT-P has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or others is imminent unless such person is immediately taken into custody. Upon arrival at the mental health facility, the peace officer or EMT-P or mental health coordinator who conveyed such person or caused him to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself or others unless he is accepted for detention, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his own personal observations or investigation and shall contain the information required in subsection 1 of this section.

632.310. 1. Whenever a court has authorized the initial detention and evaluation of a respondent pursuant to subsection 2 of section 632.305, or whenever a mental health coordinator submits an application for initial detention and evaluation pursuant to subsection 3 of section 632.305, or whenever a licensed physician, a registered professional nurse designated by the facility and approved by the department, or a mental health professional submits an application for initial detention and evaluation pursuant to subsection 4 of section 632.305, a public mental health facility shall, and a private mental health facility may immediately accept such application and the respondent on a provisional basis, and the facility shall then evaluate the respondent's condition and admit him for treatment or release him in accordance with the provisions of this chapter.

2. Whenever a peace officer or EMT-P applies for initial detention and evaluation pursuant to subsection 3 of section 632.305, the mental health facility may, but is not required to, accept the application and the respondent. If the facility accepts the application and the respondent, the facility shall evaluate the respondent's condition and admit him for treatment or release him in accordance with the provisions of this chapter.

3. If the respondent is not accepted for admission by a facility providing ninety-six-hour evaluation and treatment, the facility shall immediately furnish transportation, if not otherwise available, to return the respondent to his place of residence or other appropriate place; provided, that in the case of a person transported to the facility by a peace officer or EMT-P or other governmental agency, such peace officer or EMT-P or agency shall furnish or arrange for such transportation.

4. The department may require, pursuant to an affiliation agreement and contract with a

1 community-based service certified by the department to serve the catchment area where a  
2 respondent whose mental disorder consists of alcohol or drug abuse resides, that the service  
3 immediately accept the application and respondent engaging in alcohol or drug abuse on a  
4 provisional basis and that the service then evaluate such respondent's condition and admit him for  
5 treatment for up to ninety-six hours, petition for further detention and treatment, or release him in  
6 accordance with the provisions of chapter 631."; and"; and

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.

10  
11 This Amendment amends Amendment #5721H05.52H.