

HOUSE AMENDMENT NO.____
TO
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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 19, by deleting all of said line and inserting in lieu thereof the following:

"personnel shall be 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

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

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

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

29 632.310. 1. Whenever a court has authorized the initial detention and evaluation of a
30 respondent pursuant to subsection 2 of section 632.305, or whenever a mental health coordinator
31 submits an application for initial detention and evaluation pursuant to subsection 3 of section
32 632.305, or whenever a licensed physician, a registered professional nurse designated by the facility
33 and approved by the department, or a mental health professional submits an application for initial
34 detention and evaluation pursuant to subsection 4 of section 632.305, a public mental health facility
35 shall, and a private mental health facility may immediately accept such application and the
36 respondent on a provisional basis, and the facility shall then evaluate the respondent's condition and
37 admit him for treatment or release him in accordance with the provisions of this chapter.

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

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

48 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

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

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11 This Amendment amends Amendment #5721H05.09H.