

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 775, 751 & 640, Page 12, Section 595.226, Line 28, by inserting after all of said
3 section and line the following:
4

5 "632.305. 1. An application for detention for evaluation and treatment may be executed by
6 any adult person, who need not be an attorney or represented by an attorney, including the mental
7 health coordinator, on a form provided by the court for such purpose, and must allege under oath,
8 without a notarization requirement, that the applicant has reason to believe that the respondent is
9 suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or to
10 others. The application must specify the factual information on which such belief is based and
11 should contain the names and addresses of all persons known to the applicant who have knowledge
12 of such facts through personal observation.

13 2. The filing of a written application in court by any adult person, who need not be an
14 attorney or represented by an attorney, including the mental health coordinator, shall authorize the
15 applicant to bring the matter before the court on an ex parte basis to determine whether the
16 respondent should be taken into custody and transported to a mental health facility. The application
17 may be filed in the court having probate jurisdiction in any county where the respondent may be
18 found. If the court finds that there is probable cause, either upon testimony under oath or upon a
19 review of affidavits, to believe that the respondent may be suffering from a mental disorder and
20 presents a likelihood of serious harm to himself or herself or others, it shall direct a peace officer to
21 take the respondent into custody and transport him or her to a mental health facility for detention for
22 evaluation and treatment for a period not to exceed ninety-six hours unless further detention and
23 treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the
24 court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

25 3. A mental health coordinator may request a peace officer to take or a peace officer may
26 take a person into custody for detention for evaluation and treatment for a period not to exceed
27 ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to
28 believe that such person is suffering from a mental disorder and that the likelihood of serious harm
29 by such person to himself or herself or others is imminent unless such person is immediately taken
30 into custody. Upon arrival at the mental health facility, the peace officer or mental health

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1 coordinator who conveyed such person or caused him or her to be conveyed shall either present the
2 application for detention for evaluation and treatment upon which the court has issued a finding of
3 probable cause and the respondent was taken into custody or complete an application for initial
4 detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be
5 based upon his or her own personal observations or investigations and shall contain the information
6 required in subsection 1 of this section.

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

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.