

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799,
2 Page 3, Section 217.147, Line 57, by inserting after all of said section and line the following:
3

4 "217.541. 1. The department shall by rule establish a program of house arrest. The director
5 or his or her designee may extend the limits of confinement of offenders serving sentences for class
6 D or E felonies who have one year or less remaining prior to release on parole~~[, conditional release,]~~
7 or discharge to participate in the house arrest program.

8 2. The offender referred to the house arrest program shall remain in the custody of the
9 department and shall be subject to rules and regulations of the department pertaining to offenders of
10 the department until released on parole ~~[or conditional release]~~ by the state parole board.

11 3. The department shall require the offender to participate in work or educational or
12 vocational programs and other activities that may be necessary to the supervision and treatment of
13 the offender.

14 4. An offender released to house arrest shall be authorized to leave his or her place of
15 residence only for the purpose and time necessary to participate in the program and activities
16 authorized in subsection 3 of this section.

17 5. The division of probation and parole shall supervise every offender released to the house
18 arrest program and shall verify compliance with the requirements of this section and such other rules
19 and regulations that the department shall promulgate and may do so by remote electronic
20 surveillance. If any probation/parole officer has probable cause to believe that an offender under
21 house arrest has violated a condition of the house arrest agreement, the probation/parole officer may
22 issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or
23 may deputize any officer with the power of arrest to do so by giving the officer a copy of the
24 warrant which shall outline the circumstances of the alleged violation. The warrant delivered with
25 the offender by the arresting officer to the official in charge of any jail or other detention facility to
26 which the offender is brought shall be sufficient legal authority for detaining the offender. An
27 offender arrested under this section shall remain in custody or incarcerated without consideration of
28 bail. The director or his or her designee, upon recommendation of the probation and parole officer,
29 may direct the return of any offender from house arrest to a correctional facility of the department
30 for reclassification.

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1 6. Each offender who is released to house arrest shall pay a percentage of his or her wages,
2 established by department rules, to a maximum of the per capita cost of the house arrest program.
3 The money received from the offender shall be deposited in the inmate fund and shall be expended
4 to support the house arrest program."; and
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6 Further amend said bill, Page 5, Section 217.670, Line 28, by inserting after all of said section and
7 line the following:
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9 "217.705. 1. The director of the division of probation and parole shall appoint probation
10 and parole officers and institutional parole officers as deemed necessary to carry out the purposes of
11 the board.

12 2. Probation and parole officers shall investigate all persons referred to them for
13 investigation by the board or by any court as provided by sections 217.750 and 217.760. They shall
14 furnish to each offender released under their supervision a written statement of the conditions of
15 probation[;] or parole [~~or conditional release~~] and shall instruct the offender regarding these
16 conditions. They shall keep informed of the offender's conduct and condition and use all suitable
17 methods to aid and encourage the offender to bring about improvement in the offender's conduct and
18 conditions.

19 3. The probation and parole officer may recommend and, by order duly entered, the court
20 may impose and may at any time modify any conditions of probation. The court shall cause a copy
21 of any such order to be delivered to the probation and parole officer and the offender.

22 4. Probation and parole officers shall keep detailed records of their work and shall make
23 such reports in writing and perform such other duties as may be incidental to those enumerated that
24 the board may require. In the event a parolee is transferred to another probation and parole officer,
25 the written record of the former probation and parole officer shall be given to the new probation and
26 parole officer.

27 5. Institutional parole officers shall investigate all offenders referred to them for
28 investigation by the board and shall provide the board such other reports the board may require.
29 They shall furnish the offender prior to release on parole [~~or conditional release~~] a written statement
30 of the conditions of parole [~~or conditional release~~] and shall instruct the offender regarding these
31 conditions.

32 6. The department shall furnish probation and parole officers and institutional parole
33 officers, including supervisors, with credentials and a special badge which such officers and
34 supervisors shall carry on their person at all times while on duty."; and
35

36 Further amend said bill, Page 6, Section 217.710, Line 34, by inserting after all of said section and
37 line the following:
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39 "217.718. 1. As an alternative to the revocation proceedings provided under sections
40 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a
41 condition of probation under section 559.026, a probation or parole officer may order an offender to

1 submit to a period of detention in the county jail, or other appropriate institution, upon a
2 determination by a probation or parole officer that the offender has violated a condition of continued
3 probation or parole.

4 2. The period of detention may not exceed forty-eight hours the first time it is imposed
5 against an offender during a term of probation or parole. Subsequent periods may exceed forty-
6 eight hours, but the total number of hours an offender spends in detention under this section shall
7 not exceed three hundred sixty in any calendar year.

8 3. The officer shall present the offender with a written report detailing in what manner the
9 offender has violated the conditions of parole, probation, or conditional release and advise the
10 offender of the right to a hearing before the court or board prior to the period of detention. The
11 division shall file a copy of the violation report with the sentencing court or board after the
12 imposition of the period of detention and within a reasonable period of time that is consistent with
13 existing division procedures.

14 4. Any offender detained under this section in a county of the first class or second class or in
15 any city with a population of five hundred thousand or more and detained as herein provided shall
16 be subject to all the provisions of section 221.170, even though the offender was not convicted and
17 sentenced to a jail or workhouse.

18 5. If parole~~[,] or probation[, or conditional release]~~ is revoked and a term of imprisonment is
19 served by reason thereof, the time spent in a jail, halfway house, honor center, workhouse, or other
20 institution as a detention condition of parole~~[,] or probation[, or conditional release]~~ shall be
21 credited against the prison or jail term served for the offense in connection with which the detention
22 was imposed.

23 6. The division shall reimburse the county jail or other institution for the costs of detention
24 under this section at a rate determined by the department of corrections, which shall be at least thirty
25 dollars per day per offender and subject to appropriation of funds by the general assembly. Prior to
26 ordering the offender to submit to the period of detention under subsection 1 of this section, the
27 probation and parole officer shall certify to the county jail or institution that the division has
28 sufficient funds to provide reimbursement for the costs of the period of detention. A jail or other
29 institution may refuse to detain an offender under this section if funds are not available to provide
30 reimbursement or if there is inadequate space in the facility for the offender.

31 7. Upon successful completion of the period of detention under this section, the court or
32 board may not revoke the term of parole, probation, ~~[or conditional release]~~ or impose additional
33 periods of detention for the same incident unless new or additional information is discovered that
34 was unknown to the division when the period of detention was imposed and indicates that the
35 offender was involved in the commission of a crime. If the offender fails to complete the period of
36 detention or new or additional information is discovered that the incident involved a crime, the
37 offender may be arrested under sections 217.720 and 217.722."; and

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39 Further amend said bill, Page 7, Section 217.720, Line 57, by inserting after all of said section and
40 line the following:
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1 "217.730. 1. The period served on parole, except for judicial parole granted or revoked
2 pursuant to section 559.100, shall be deemed service of the term of imprisonment and, subject to the
3 provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the
4 total time served may not exceed the maximum term or sentence.

5 2. When an offender on parole [~~or conditional release~~], before the expiration of the term for
6 which the offender was sentenced, has performed the obligation of his parole for such time as
7 satisfies the board that his final release is not incompatible with the best interest of society and the
8 welfare of the individual, the board may make a final order of discharge and issue a certificate of
9 discharge to the offender. No such order of discharge shall be made in any case less than three years
10 after the date on which the offender was paroled [~~or conditionally released~~] except where the
11 sentence expires earlier.

12 3. Upon final discharge, persons shall be informed in writing on the process and procedure
13 to register to vote."; and
14

15 Further amend said bill, Page 8, Section 548.241, Line 10, by inserting after all of said section and
16 line the following:
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18 "558.011. 1. The authorized terms of imprisonment, including both prison and conditional
19 release terms, are:

20 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty
21 years, or life imprisonment;

22 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen
23 years;

24 (3) For a class C felony, a term of years not less than three years and not to exceed ten years;

25 (4) For a class D felony, a term of years not to exceed seven years;

26 (5) For a class E felony, a term of years not to exceed four years;

27 (6) For a class A misdemeanor, a term not to exceed one year;

28 (7) For a class B misdemeanor, a term not to exceed six months;

29 (8) For a class C misdemeanor, a term not to exceed fifteen days.

30 2. In cases of class D and E felonies, the court shall have discretion to imprison for a special
31 term not to exceed one year in the county jail or other authorized penal institution, and the place of
32 confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term
33 longer than one year upon a person convicted of a class D or E felony, it shall commit the person to
34 the custody of the department of corrections.

35 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall
36 commit the person to the custody of the department of corrections for the term imposed under
37 section 557.036, or until released under procedures established elsewhere by law.

38 (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court
39 shall commit the person to the county jail or other authorized penal institution for the term of his or
40 her sentence or until released under procedure established elsewhere by law.

1 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for
2 felonies other than dangerous felonies as defined in section 556.061, and other than sentences of
3 imprisonment which involve the individual's fourth or subsequent remand to the department of
4 corrections shall consist of a prison term and a conditional release term when the offense occurred
5 before August 28, 2022. The conditional release term of any term imposed under section 557.036
6 shall be:

7 (a) One-third for terms of nine years or less;

8 (b) Three years for terms between nine and fifteen years;

9 (c) Five years for terms more than fifteen years; and the prison term shall be the remainder
10 of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this
11 section.

12 (2) "Conditional release" means the conditional discharge of an offender by the parole
13 board, subject to conditions of release that the parole board deems reasonable to assist the offender
14 to lead a law-abiding life, and subject to the supervision under the division of probation and parole.
15 The conditions of release shall include avoidance by the offender of any other offense, federal or
16 state, and other conditions that the parole board in its discretion deems reasonably necessary to
17 assist the releasee in avoiding further violation of the law.

18 5. The date of conditional release from the prison term may be extended up to a maximum
19 of the entire sentence of imprisonment by the parole board. The director of any division of the
20 department of corrections except the division of probation and parole may file with the parole board
21 a petition to extend the conditional release date when an offender fails to follow the rules and
22 regulations of the division or commits an act in violation of such rules. Within ten working days of
23 receipt of the petition to extend the conditional release date, the parole board shall convene a
24 hearing on the petition. The offender shall be present and may call witnesses in his or her behalf
25 and cross-examine witnesses appearing against the offender. The hearing shall be conducted as
26 provided in section 217.670. If the violation occurs in close proximity to the conditional release
27 date, the conditional release may be held for a maximum of fifteen working days to permit
28 necessary time for the division director to file a petition for an extension with the parole board and
29 for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to
30 extend the conditional release has occurred prior to the conditional release date. If at the end of a
31 fifteen-working-day period a parole board decision has not been reached, the offender shall be
32 released conditionally. The decision of the parole board shall be final.

33 6. For offenses occurring on or after August 28, 2022, a sentence of imprisonment shall
34 consist only of a prison term without eligibility for conditional release."; and
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36 Further amend said bill, Page 9, Section 558.016, Line 29, by inserting after all of said section and
37 line the following:
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39 "558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court
40 specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment

imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or
- (5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation^[s] or parole ~~[or conditional release]~~ is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole ~~[or after the start of his or her conditional release term]~~, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation^[s] or parole ~~[or conditional release]~~ revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation^[s] or parole ~~[or conditional release]~~ revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his or her sentence within the department of corrections of the state of Missouri, except that a personal hearing before the parole board shall not be required for parole consideration.

558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court ~~[or a term of conditional release]~~ or parole pronounced by the parole board if the court determines that:

- (1) The convicted person was:
 - (a) Convicted of an offense that did not involve violence or the threat of violence; and
 - (b) Convicted of an offense that involved alcohol or illegal drugs; and
- (2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and
- (3) The convicted person is not:
 - (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or
 - (b) A persistent sexual offender as defined in section 566.125; or
 - (c) A prior offender, a persistent offender or a class X offender as defined in section 558.019."; and

Further amend said bill, Page 14, Section 559.115, Line 71, by inserting after all of said section and line the following:

1
2 "570.030. 1. A person commits the offense of stealing if he or she:

3 (1) Appropriates property or services of another with the purpose to deprive him or her
4 thereof, either without his or her consent or by means of deceit or coercion;

5 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
6 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or
7 coercion; or

8 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or
9 disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

10 2. The offense of stealing is a class A felony if the property appropriated consists of any of
11 the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car,
12 bulk storage tank, field nurse, field tank or field applicator.

13 3. The offense of stealing is a class B felony if:

14 (1) The property appropriated or attempted to be appropriated consists of any amount of
15 anhydrous ammonia or liquid nitrogen;

16 (2) The property consists of any animal considered livestock as the term livestock is defined
17 in section 144.010, or any captive wildlife held under permit issued by the conservation
18 commission, and the value of the animal or animals appropriated exceeds three thousand dollars and
19 that person has previously been found guilty of appropriating any animal considered livestock or
20 captive wildlife held under permit issued by the conservation commission. Notwithstanding any
21 provision of law to the contrary, such person shall serve a minimum prison term of not less than
22 eighty percent of his or her sentence before he or she is eligible for probation, parole, ~~[conditional~~
23 ~~release,]~~ or other early release by the department of corrections;

24 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and
25 that person has previously been found guilty of two stealing-related offenses committed on two
26 separate occasions where such offenses occurred within ten years of the date of occurrence of the
27 present offense;

28 (4) The property appropriated or attempted to be appropriated consists of any animal
29 considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds
30 ten thousand dollars; or

31 (5) The property appropriated or attempted to be appropriated is owned by or in the custody
32 of a financial institution and the property is taken or attempted to be taken physically from an
33 individual person to deprive the owner or custodian of the property.

34 4. The offense of stealing is a class C felony if the value of the property or services
35 appropriated is twenty-five thousand dollars or more.

36 5. The offense of stealing is a class D felony if:

37 (1) The value of the property or services appropriated is seven hundred fifty dollars or more;

38 (2) The offender physically takes the property appropriated from the person of the victim; or

39 (3) The property appropriated consists of:

40 (a) Any motor vehicle, watercraft or aircraft;

- (b) Any will or unrecorded deed affecting real property;
 - (c) Any credit device, debit device or letter of credit;
 - (d) Any firearms;
 - (e) Any explosive weapon as defined in section 571.010;
 - (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
 - (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;
 - (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;
 - (i) Any book of registration or list of voters required by chapter 115;
 - (j) Any animal considered livestock as that term is defined in section 144.010;
 - (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
 - (l) Any captive wildlife held under permit issued by the conservation commission;
 - (m) Any controlled substance as defined by section 195.010;
 - (n) Ammonium nitrate;
 - (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or
 - (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.
6. The offense of stealing is a class E felony if:
- (1) The property appropriated is an animal;
 - (2) The property is a catalytic converter; or
 - (3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.
7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.
9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.
10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate

1 felony and may be charged in separate counts.

2 11. The value of property or services appropriated pursuant to one scheme or course of
3 conduct, whether from the same or several owners and whether at the same or different times,
4 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,
5 except as set forth in subsection 10 of this section.

6 571.015. 1. Any person who commits any felony under the laws of this state by, with, or
7 through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the
8 offense of armed criminal action and, upon conviction, shall be punished by imprisonment by the
9 department of corrections for a term of not less than three years and not to exceed fifteen years,
10 unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall
11 be for a term of not less than five years. The punishment imposed pursuant to this subsection shall
12 be in addition to and consecutive to any punishment provided by law for the crime committed by,
13 with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person
14 convicted under this subsection shall be eligible for parole, probation, ~~[conditional release,]~~ or
15 suspended imposition or execution of sentence for a period of three calendar years.

16 2. Any person convicted of a second offense of armed criminal action under subsection 1 of
17 this section shall be punished by imprisonment by the department of corrections for a term of not
18 less than five years and not to exceed thirty years, unless the person is unlawfully possessing a
19 firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The
20 punishment imposed pursuant to this subsection shall be in addition to and consecutive to any
21 punishment provided by law for the crime committed by, with, or through the use, assistance, or aid
22 of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be
23 eligible for parole, probation, ~~[conditional release,]~~ or suspended imposition or execution of
24 sentence for a period of five calendar years.

25 3. Any person convicted of a third or subsequent offense of armed criminal action under
26 subsection 1 of this section shall be punished by imprisonment by the department of corrections for
27 a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case
28 the term of imprisonment shall be no less than fifteen years. The punishment imposed pursuant to
29 this subsection shall be in addition to and consecutive to any punishment provided by law for the
30 crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly
31 weapon. No person convicted under this subsection shall be eligible for parole, probation,
32 ~~[conditional release,]~~ or suspended imposition or execution of sentence for a period of ten calendar
33 years."; and

34
35 Further amend said bill, Page 16, Section 589.565, Line 20, by inserting after all of said section and
36 line the following:

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38 "632.305. 1. An application for detention for evaluation and treatment may be executed by
39 any adult person, who need not be an attorney or represented by an attorney, including the mental

1 health coordinator, on a form provided by the court for such purpose, and ~~[must]~~ shall allege under
2 oath, without a notarization requirement, that the applicant has reason to believe that the respondent
3 is suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or
4 to others. The application ~~[must]~~ shall specify the factual information on which such belief is based
5 and should contain the names and addresses of all persons known to the applicant who have
6 knowledge of such facts through personal observation.

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

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

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

1 this section.

2 5. Any oath required by the provisions of this section shall be subject to the provisions of
3 section 492.060."; and

4

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