

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 30, Section 590.1075, Line 11,  
2 by inserting after said line the following:

3  
4 "632.305. 1. An application for detention for evaluation and treatment may be executed by  
5 any adult person, who need not be an attorney or represented by an attorney, including the mental  
6 health coordinator, on a form provided by the court for such purpose, and shall allege under oath,  
7 without a notarization requirement, that the applicant has reason to believe that the respondent is  
8 suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or to  
9 others. The application shall specify the factual information on which such belief is based and  
10 should contain the names and addresses of all persons known to the applicant who have knowledge  
11 of such facts through personal observation.

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

17 5. ~~[Any oath required by the provisions of this section]~~ No notarization shall be required for  
18 an application or for any affidavits, declarations, or other documents supporting an application. The  
19 application and any affidavits, declarations, or other documents supporting the application shall be  
20 subject to the provisions of section 492.060 allowing for declaration under penalty of perjury." ; and

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.