

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 11, Section 558.043, Line 16,
2 by inserting after all of said section and line the following
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4 "559.125. 1. The clerk of the court shall keep in a permanent file all applications for
5 probation or parole by the court, and shall keep in such manner as may be prescribed by the court
6 complete and full records of all presentence investigations requested, probations or paroles granted,
7 revoked or terminated and all discharges from probations or paroles. All court orders relating to any
8 presentence investigation requested and probation or parole granted under the provisions of this
9 chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant
10 subject to any such order is subject to an investigation or is under the supervision of the division of
11 probation and parole, a copy of the order shall be sent to the division of probation and parole. In
12 any county where a parole board ceases to exist, the clerk of the court shall preserve the records of
13 that parole board.

14 2. ~~[Information and data obtained by a probation or parole officer shall be privileged~~
15 ~~information and shall not be receivable in any court.] Information and data obtained by a probation~~
16 ~~or parole officer is privileged information not receivable in any court unless for lawful criminal~~
17 ~~matters.~~ Such information shall not be disclosed directly or indirectly to anyone other than the
18 members of a parole board and the judge entitled to receive reports, except the court, the division of
19 probation and parole, or the parole board may in its discretion permit the inspection of the report, or
20 parts of such report, by the defendant, or offender or his or her attorney, or other person having a
21 proper interest therein.

22 3. The provisions of subsection 2 of this section notwithstanding, the presentence
23 investigation report shall be made available to the state and all information and data obtained in
24 connection with preparation of the presentence investigation report may be made available to the
25 state at the discretion of the court upon a showing that the receipt of the information and data is in
26 the best interest of the state."; and
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28 Further amend said bill, Page 30, Section 590.1075, Line 11, by inserting after said section and line
29 the following:
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Action Taken _____ Date _____

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

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

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

34 4. If a person presents himself or herself or is presented by others to a mental health facility
35 and a licensed physician, a registered professional nurse or a mental health professional designated
36 by the head of the facility and approved by the department for such purpose has reasonable cause to
37 believe that the person is mentally disordered and presents an imminent likelihood of serious harm
38 to himself or herself or others unless he or she is accepted for detention, the licensed physician, the
39 mental health professional or the registered professional nurse designated by the facility and

1 approved by the department may complete an application for detention for evaluation and treatment
2 for a period not to exceed ninety-six hours. The application shall be based on his or her own
3 personal observations or investigation and shall contain the information required in subsection 1 of
4 this section.

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

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