

HOUSE AMENDMENT NO. _____
TO
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Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Bill No. 186,
Page 3, Line 2, by inserting after said line the following:

"Further amend said bill, Page 11, Section 558.043, Line 16, by inserting after all of said section and
line the following

"559.125. 1. The clerk of the court shall keep in a permanent file all applications for
probation or parole by the court, and shall keep in such manner as may be prescribed by the court
complete and full records of all presentence investigations requested, probations or paroles granted,
revoked or terminated and all discharges from probations or paroles. All court orders relating to any
presentence investigation requested and probation or parole granted under the provisions of this
chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant
subject to any such order is subject to an investigation or is under the supervision of the division of
probation and parole, a copy of the order shall be sent to the division of probation and parole. In
any county where a parole board ceases to exist, the clerk of the court shall preserve the records of
that parole board.

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

3. The provisions of subsection 2 of this section notwithstanding, the presentence
investigation report shall be made available to the state and all information and data obtained in
connection with preparation of the presentence investigation report may be made available to the
state at the discretion of the court upon a showing that the receipt of the information and data is in
the best interest of the state."; and

Action Taken _____ Date _____

Further amend said bill, Page 30, Section 590.1075, Line 11, by inserting after said section and line the following:

"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 shall allege under oath, without a notarization requirement, 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 herself or to others. The application shall 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 review of affidavits, declarations, or other supporting documentation, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or others, it shall direct a peace officer to take the respondent into custody and transport him or her to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

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

4. If a person presents himself or herself or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated

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

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

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

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18 THIS AMENDS 0436H02.20H.