

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

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 72, Page 71, Section 559.125, Lines 11-12, by deleting all of said lines and inserting  
3 in lieu thereof the following:

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5 "2. [~~Information and data obtained by a probation or parole officer shall be privileged~~  
6 ~~information and shall not be receivable in any court.] Except in criminal proceedings, information  
7 and data obtained by a probation or parole officer is privileged information not receivable in any  
8 court unless for lawful criminal matters. Such"; and~~

9  
10 Further amend said bill, Page 106, Section 610.021, Line 137, by inserting after said section and line  
11 the following:

12  
13 "632.305. 1. An application for detention for evaluation and treatment may be executed by  
14 any adult person, who need not be an attorney or represented by an attorney, including the mental  
15 health coordinator, on a form provided by the court for such purpose, and shall allege under oath,  
16 without a notarization requirement, that the applicant has reason to believe that the respondent is  
17 suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or to  
18 others. The application shall specify the factual information on which such belief is based and  
19 should contain the names and addresses of all persons known to the applicant who have knowledge  
20 of such facts through personal observation.

21 2. The filing of a written application in court by any adult person, who need not be an  
22 attorney or represented by an attorney, including the mental health coordinator, shall authorize the  
23 applicant to bring the matter before the court on an ex parte basis to determine whether the  
24 respondent should be taken into custody and transported to a mental health facility. The application  
25 may be filed in the court having probate jurisdiction in any county where the respondent may be  
26 found. If the court finds that there is probable cause, either upon testimony under oath or upon a  
27 review of affidavits, declarations, or other supporting documentation, to believe that the respondent  
28 may be suffering from a mental disorder and presents a likelihood of serious harm to himself or  
29 herself or others, it shall direct a peace officer to take the respondent into custody and transport him  
30 or her to a mental health facility for detention for evaluation and treatment for a period not to exceed

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 ninety-six hours unless further detention and treatment is authorized pursuant to this chapter.  
2 Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving  
3 the respondent an opportunity to be heard.

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

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

26 5. ~~[Any oath required by the provisions of this section]~~ No notarization shall be required for  
27 an application or for any affidavits, declarations, or other documents supporting an application. The  
28 application and any affidavits, declarations, or other documents supporting the application shall be  
29 subject to the provisions of section 492.060 allowing for declaration under penalty of perjury."; and  
30

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