

FIRST REGULAR SESSION

HOUSE BILL NO. 1374

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMAS.

2603H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 632.300, 632.305, and 632.310, RSMo, and to enact in lieu thereof three new sections relating to the transportation of persons with mental disorders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 632.300, 632.305, and 632.310, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 632.300, 632.305, and 632.310,
3 to read as follows:

632.300. 1. When a mental health coordinator receives information alleging that a
2 person, as the result of a mental disorder, presents a likelihood of serious harm to himself **or**
3 **herself** or others, he **or she** shall:

4 (1) Conduct an investigation;

5 (2) Evaluate the allegations and the data developed by investigation; and

6 (3) Evaluate the reliability and credibility of all sources of information.

7 2. If, as the result of personal observation or investigation, the mental health
8 coordinator has reasonable cause to believe that such person is mentally disordered and, as a
9 result, presents a likelihood of serious harm to himself **or herself** or others, the mental health
10 coordinator may file an application with the court having probate jurisdiction pursuant to the
11 provisions of section 632.305; provided, however, that should the mental health coordinator
12 have reasonable cause to believe, as the result of personal observation or investigation, that
13 the likelihood of serious harm by such person to himself **or herself** or others as a result of a
14 mental disorder is imminent unless the person is immediately taken into custody, the mental
15 health coordinator shall ~~request a peace officer to take or cause~~ **ensure** such person ~~to be~~ **is**
16 taken into custody and transported to a mental health facility in accordance with the

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 provisions of subsection 3 of section 632.305. **The mental health coordinator may request**
18 **a peace officer or any other capable individual or organization to transport such person.**

19 3. If the mental health coordinator determines that involuntary commitment is not
20 appropriate, he **or she** should inform either the person, his **or her** family or friends about
21 those public and private agencies and courts which might be of assistance.

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

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

25 3. A mental health coordinator may request a peace officer to take or a peace officer
26 may take a person into custody for detention for evaluation and treatment for a period not to
27 exceed ninety-six hours only when such mental health coordinator or peace officer has
28 reasonable cause to believe that such person is suffering from a mental disorder and that the
29 likelihood of serious harm by such person to himself or herself or others is imminent unless
30 such person is immediately taken into custody. **The mental health coordinator or peace**
31 **officer may request any other capable individual or organization to transport such**
32 **person to the mental health facility.** Upon arrival at the mental health facility, the peace

33 officer or mental health coordinator who conveyed such person or caused him or her to be
34 conveyed shall either present the application for detention for evaluation and treatment upon
35 which the court has issued a finding of probable cause and the respondent was taken into
36 custody or complete an application for initial detention for evaluation and treatment for a
37 period not to exceed ninety-six hours which shall be based upon his or her own personal
38 observations or investigations and shall contain the information required in subsection 1 of
39 this section.

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

50 5. Any oath required by the provisions of this section shall be subject to the
51 provisions of section 492.060.

632.310. 1. Whenever a court has authorized the initial detention and evaluation of a
2 respondent pursuant to subsection 2 of section 632.305, or whenever a mental health
3 coordinator submits an application for initial detention and evaluation pursuant to subsection
4 3 of section 632.305, or whenever a licensed physician, a registered professional nurse
5 designated by the facility and approved by the department, or a mental health professional
6 submits an application for initial detention and evaluation pursuant to subsection 4 of section
7 632.305, a public mental health facility shall, and a private mental health facility may
8 immediately accept such application and the respondent on a provisional basis, and the
9 facility shall then evaluate the respondent's condition and admit him **or her** for treatment or
10 release him **or her** in accordance with the provisions of this chapter.

11 2. Whenever a peace officer applies for initial detention and evaluation pursuant to
12 subsection 3 of section 632.305, the mental health facility may, but is not required to, accept
13 the application and the respondent. If the facility accepts the application and the respondent,
14 the facility shall evaluate the respondent's condition and admit him **or her** for treatment or
15 release him **or her** in accordance with the provisions of this chapter.

16 3. If the respondent is not accepted for admission by a facility providing ninety-six-
17 hour evaluation and treatment, the facility shall immediately furnish transportation, if not
18 otherwise available, to return the respondent to his **or her** place of residence or other

19 appropriate place; provided, that in the case of a person transported to the facility by a peace
20 officer or other governmental agency, such peace officer or agency [~~shall~~] **may** furnish or
21 arrange for such transportation.

22 4. The department may require, pursuant to an affiliation agreement and contract with
23 a community-based service certified by the department to serve the catchment area where a
24 respondent whose mental disorder consists of alcohol or drug abuse resides, that the service
25 immediately accept the application and respondent engaging in alcohol or drug abuse on a
26 provisional basis and that the service then evaluate such respondent's condition and admit him
27 **or her** for treatment for up to ninety-six hours, petition for further detention and treatment, or
28 release him **or her** in accordance with the provisions of chapter 631.

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