

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 543

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COOK.

1041H.01P

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 632.305, RSMo, and to enact in lieu thereof one new section relating to detention for evaluation and treatment at a mental health facility.

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

Section A. Section 632.305, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 632.305, to read as follows:

632.305. 1. An application for detention for evaluation and treatment at a mental health facility may be executed by any adult person, who need not be an attorney or represented by an attorney, 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, 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

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 or herself or others, it shall direct a peace officer to take the respondent into custody and  
18 transport him or her to a mental health facility for detention for evaluation and treatment for a  
19 period not to exceed ninety-six hours unless further detention and treatment is authorized  
20 pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the  
21 exercise of its discretion, from giving the respondent an opportunity to be heard.

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

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

44         5. (1) No notarization shall be required for an application, or for any affidavits,  
45 declarations, or other documents supporting an application, **completed or executed by:**

46             (a) **A peace officer under subsection 3 of this section;**

47             (b) **A licensed physician, mental health professional, or registered professional**  
48 **nurse under subsection 4 of this section; or**

49             (c) **An employee acting on behalf of a hospital, as defined in section 197.020,**  
50 **under subsections 1 and 2 of this section.**

51           **(2)** The application and any affidavits, declarations, or other documents supporting  
52 the application shall be subject to the provisions of section 492.060 allowing for declaration  
53 under penalty of perjury.

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