

# SENATE BILL NO. 1274

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

5318S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 632.305, RSMo, and to enact in lieu thereof one new section relating to notarization requirements for certain mental health detentions.

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Section A. Section 632.305, RSMo, is repealed and one new  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

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

14 2. The filing of a written application in court by any  
15 adult person, who need not be an attorney or represented by  
16 an attorney, shall authorize the applicant to bring the  
17 matter before the court on an ex parte basis to determine

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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 peace officer may take a person into custody for detention for evaluation and treatment at a mental health facility for a period not to exceed ninety-six hours only when such 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 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

50 shall be based upon his or her own personal observations or  
51 investigations and shall contain the information required in  
52 subsection 1 of this section.

53 4. If a person presents himself or herself or is  
54 presented by others to a mental health facility and a  
55 licensed physician, a registered professional nurse or a  
56 mental health professional designated by the head of the  
57 facility and approved by the department for such purpose has  
58 reasonable cause to believe that the person is mentally  
59 disordered and presents an imminent likelihood of serious  
60 harm to himself or herself or others unless he or she is  
61 accepted for detention, the licensed physician, the mental  
62 health professional or the registered professional nurse  
63 designated by the facility and approved by the department  
64 may complete an application for detention for evaluation and  
65 treatment for a period not to exceed ninety-six hours. The  
66 application shall be based on his or her own personal  
67 observations or investigation and shall contain the  
68 information required in subsection 1 of this section.

69 5. No notarization shall be required for an  
70 application or for any affidavits, declarations, or other  
71 documents supporting an application **filed pursuant to**  
72 **subsections 2, 3, or 4 of this section, or filed pursuant to**  
73 **subsection 1 of this section if the adult person executing**  
74 **the application is an employee acting on behalf of a**  
75 **hospital, as such term is defined in section 197.020.** The  
76 application and any affidavits, declarations, or other  
77 documents supporting the application shall be subject to the  
78 provisions of section 492.060 allowing for declaration under  
79 penalty of perjury.

✓