

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/Senate Bill No. 1015, Page 1, Section TITLE, Line 3,

2 by striking "assisted outpatient" and inserting in lieu
3 thereof the following: "court-ordered mental health"; and

4 Further amend said bill and page, Section A, line 4, by
5 inserting after all of said line the following:

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

19 2. The filing of a written application in court by any
20 adult person, who need not be an attorney or represented by
21 an attorney, shall authorize the applicant to bring the
22 matter before the court on an ex parte basis to determine
23 whether the respondent should be taken into custody and
24 transported to a mental health facility. The application
25 may be filed in the court having probate jurisdiction in any

26 county where the respondent may be found. If the court
27 finds that there is probable cause, either upon testimony
28 under oath or upon a review of affidavits, declarations, or
29 other supporting documentation, to believe that the
30 respondent may be suffering from a mental disorder and
31 presents a likelihood of serious harm to himself or herself
32 or others, it shall direct a peace officer to take the
33 respondent into custody and transport him or her to a mental
34 health facility for detention for evaluation and treatment
35 for a period not to exceed ninety-six hours unless further
36 detention and treatment is authorized pursuant to this
37 chapter. Nothing herein shall be construed to prohibit the
38 court, in the exercise of its discretion, from giving the
39 respondent an opportunity to be heard.

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

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

74 5. (1) No notarization shall be required for an
75 application, or for any affidavits, declarations, or other
76 documents supporting an application, completed or executed,
77 by:

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

79 (b) A licensed physician, mental health professional,
80 or registered professional nurse under subsection 4 of this
81 section; or

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

85 (2) The application and any affidavits, declarations,
86 or other documents supporting the application shall be
87 subject to the provisions of section 492.060 allowing for
88 declaration under penalty of perjury."; and

89 Further amend the title and enacting clause accordingly.