

MAR 3 2006
Place On Calendar

HOUSE FILE 2639
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2168)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the time period in which an involuntary
2 hospitalization hearing for chronic substance abusers and
3 mentally ill persons must be held.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2639

1 Section 1. Section 125.81, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 If a person filing an application requests that a
4 respondent be taken into immediate custody, and the court upon
5 reviewing the application and accompanying documentation,
6 finds probable cause to believe that the respondent is a
7 chronic substance abuser who is likely to injure the person or
8 other persons if allowed to remain at liberty, the court may
9 enter a written order directing that the respondent be taken
10 into immediate custody by the sheriff, and be detained until
11 the commitment hearing, which shall be held no more than **five**
12 three days after the date of the order or, upon a showing of
13 good cause, no more than five days after the date of the
14 order, except that if the third or fifth day after the date of
15 the order is a Saturday, Sunday, or a holiday, the hearing may
16 be held on the next business day. The court may order the
17 respondent detained for the period of time until the hearing
18 is held, and no longer except as provided in section 125.88,
19 in accordance with subsection 1 if possible, and if not, then
20 in accordance with subsection 2 or, only if neither of these
21 alternatives is available in accordance with subsection 3.

22 Detention may be:

23 Sec. 2. Section 229.11, unnumbered paragraph 1, Code 2005,
24 is amended to read as follows:

25 If the applicant requests that the respondent be taken into
26 immediate custody and the judge, upon reviewing the
27 application and accompanying documentation, finds probable
28 cause to believe that the respondent has a serious mental
29 impairment and is likely to injure the respondent or other
30 persons if allowed to remain at liberty, the judge may enter a
31 written order directing that the respondent be taken into
32 immediate custody by the sheriff or the sheriff's deputy and
33 be detained until the hospitalization hearing. The
34 hospitalization hearing shall be held no more than **five** three
35 days after the date of the order or, upon a showing of good

1 cause, no more than five days after the date of the order,
2 except that if the third or fifth day after the date of the
3 order is a Saturday, Sunday, or a holiday, the hearing may be
4 held on the next succeeding business day. If the expenses of
5 a respondent are payable in whole or in part by a county, for
6 a placement in accordance with subsection 1, the judge shall
7 give notice of the placement to the central point of
8 coordination process, and for a placement in accordance with
9 subsection 2 or 3, the judge shall order the placement in a
10 hospital or facility designated through the central point of
11 coordination process. The judge may order the respondent
12 detained for the period of time until the hearing is held, and
13 no longer, in accordance with subsection 1 if possible, and if
14 not then in accordance with subsection 2 or, only if neither
15 of these alternatives is available, in accordance with
16 subsection 3. Detention may be:

17 EXPLANATION

18 This bill relates to the time period in which an
19 involuntary hospitalization (commitment) hearing is held for
20 chronic substance abusers and mentally ill persons.

21 The bill provides that an involuntary hospitalization
22 hearing shall be held not more than three days after the date
23 of a court order directing that the substance abuser or
24 mentally ill person be taken into immediate custody by the
25 sheriff or the sheriff's deputy or, upon a showing of good
26 cause, no more than five days after the date of the order,
27 except that if the third or fifth day after the date of the
28 order is a Saturday, Sunday, or a holiday, the hearing may be
29 held on the next succeeding business day. Current law
30 provides that an involuntary hospitalization hearing may be
31 held up to five days after the date of the order in such
32 cases.

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