

FILED MAR 1 2005

SENATE FILE 230 JUDICIARY
BY WARNSTADT

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

A BILL FOR

1 An Act relating to substance abuse and mental health commitment
2 or treatment proceedings.

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

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SF 230 JUDICIARY

1 Section 1. Section 125.82, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. At a commitment hearing, evidence in support of the
4 contentions made in the application shall be presented by the
5 ~~applicant, or by an attorney for the applicant, or by the~~
6 ~~county attorney if the~~ county attorney is the applicant.
7 During the hearing the applicant and the respondent shall be
8 afforded an opportunity to testify and to present and cross-
9 examine witnesses, and the court may receive the testimony of
10 other interested persons. If the respondent is present at the
11 hearing, as provided in subsection 3, and has been medicated
12 within twelve hours, or a longer period of time as the court
13 may designate, prior to the beginning of the hearing or a
14 session of the hearing, the court shall be informed of that
15 fact and of the probable effects of the medication upon
16 convening of the hearing.

17 Sec. 2. Section 229.10, subsection 1, unnumbered paragraph
18 1, Code 2005, is amended to read as follows:

19 An examination of the respondent shall be conducted by one
20 or more licensed physicians, as required by the court's order,
21 within a reasonable time. If the respondent is detained
22 pursuant to section 229.11, subsection 2, the examination
23 shall be conducted within twenty-four hours. If the respondent
24 is detained pursuant to section 229.11, subsection 1 or 3, the
25 examination shall be conducted within forty-eight hours. If
26 the respondent so desires, the respondent shall be entitled to
27 a separate examination by a licensed physician of the
28 respondent's own choice. The reasonable cost of ~~such separate~~
29 ~~examination~~ the examinations shall, if the respondent lacks
30 sufficient funds to pay the cost, be paid from county funds
31 upon order of the court.

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EXPLANATION

33 This bill relates to substance abuse or mental health
34 commitment or treatment proceedings.

35 The bill specifies that a county attorney shall present

1 evidence at a hearing in support of a respondent's substance
2 abuse commitment or treatment application. Current law
3 requires the applicant who filed an application for
4 involuntary hospitalization against a respondent, or an
5 attorney for the applicant, or the county attorney if the
6 county attorney is the applicant, to present evidence at the
7 hearing.

8 The bill further specifies that costs for licensed
9 physician examinations, both court-ordered and voluntary, for
10 a respondent against whom an involuntary hospitalization
11 application has been filed shall be paid from county funds by
12 court order if the respondent is indigent. Current law does
13 not specify that county funding of court-ordered examinations
14 is available for an indigent respondent in such a case.

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