

INVOLUNTARY COMMITMENT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill modifies Title 62A, Chapter 15, Substance Abuse and Mental Health Act, by amending procedures for involuntary commitment.

Highlighted Provisions:

This bill:

▸ requires an applicant for an involuntary commitment order to consult with the appropriate local mental health authority before the court may issue a judicial order ~~§~~→ **if the local mental health authority appears at the commitment hearing** ←~~§~~ ;

▸ states that notice of involuntary commitment proceedings shall be sent to the local mental health authority or its designee; and

▸ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-15-631, as last amended by Laws of Utah 2012, Chapter 248

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-15-631** is amended to read:



28 **62A-15-631. Involuntary commitment under court order -- Examination --**
 29 **Hearing -- Power of court -- Findings required -- Costs.**

30 (1) Proceedings for involuntary commitment of an individual who is 18 years of age or
 31 older may be commenced by filing a written application with the district court of the county in
 32 which the proposed patient resides or is found, by a responsible person who has reason to know
 33 of the condition or circumstances of the proposed patient which lead to the belief that the
 34 individual has a mental illness and should be involuntarily committed. That application shall
 35 be accompanied by:

36 (a) a certificate of a licensed physician or a designated examiner stating that within a
 37 seven-day period immediately preceding the certification the physician or designated examiner
 38 has examined the individual, and that the physician or designated examiner is of the opinion
 39 that the individual is mentally ill and should be involuntarily committed; or

40 (b) a written statement by the applicant that:

41 (i) the individual has been requested to, but has refused to, submit to an examination of
 42 mental condition by a licensed physician or designated examiner;

43 (ii) is sworn to under oath; and

44 (iii) states the facts upon which the application is based.

45 (2) ~~§~~ **→ (a) [Before] Subject to Subsection (2)(b), before** ~~←~~ ~~§~~ issuing a judicial order, the
 45a court ~~[may]~~ ~~§~~ **→ [shall] may** ~~←~~ ~~§~~ require the applicant to consult
 46 with the appropriate local mental health authority, ~~[or]~~ ~~and~~ may direct a mental health
 47 professional from that local mental health authority to interview the applicant and the proposed
 48 patient to determine the existing facts and report them to the court.

48a ~~§~~ **→ (b) The consultation described in Subsection (2)(a):**

48b **(i) may take place at or before the hearing; and**

48c **(ii) is required if the local mental health authority appears at the hearing.** ~~←~~ ~~§~~

49 (3) If the court finds from the application, from any other statements under oath, or
 50 from any reports from a mental health professional that there is a reasonable basis to believe
 51 that the proposed patient has a mental illness ~~[which]~~ ~~that~~ poses a substantial danger, as
 52 defined in Section 62A-15-602, to self or others requiring involuntary commitment pending
 53 examination and hearing; or, if the proposed patient has refused to submit to an interview with
 54 a mental health professional as directed by the court or to go to a treatment facility voluntarily,
 55 the court may issue an order, directed to a mental health officer or peace officer, to
 56 immediately place the proposed patient in the custody of a local mental health authority or in a
 57 temporary emergency facility as provided in Section 62A-15-634 to be detained for the purpose
 58 of examination. Within 24 hours of the issuance of the order for examination, a local mental