

1 **INVOLUNTARY CIVIL COMMITMENT MODIFICATIONS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Edward H. Redd**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill enacts a provision related to the temporary, involuntary commitment of an
9 adult.
10

11 **Highlighted Provisions:**

12 This bill:
13 ▶ amends a provision relating to the maximum number of hours a person may be held
14 in temporary, involuntary commitment with a local mental health authority.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **62A-15-629**, as last amended by Laws of Utah 2011, Chapter 366

22

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

23 Section 1. Section **62A-15-629** is amended to read:

24 **62A-15-629. Temporary commitment -- Requirements and procedures.**

25 (1) (a) An adult may be temporarily, involuntarily committed to a local mental health
26 authority upon:
27



28 (i) written application by a responsible person who has reason to know, stating a belief
29 that the individual is likely to cause serious injury to self or others if not immediately
30 restrained, and stating the personal knowledge of the individual's condition or circumstances
31 which lead to that belief; and

32 (ii) a certification by a licensed physician or designated examiner stating that the
33 physician or designated examiner has examined the individual within a three-day period
34 immediately preceding that certification, and that the physician or designated examiner is of the
35 opinion that the individual has a mental illness and, because of the individual's mental illness,
36 is likely to injure self or others if not immediately restrained.

37 (b) Application and certification as described in Subsection (1)(a) authorizes any peace
38 officer to take the individual into the custody of a local mental health authority and transport
39 the individual to that authority's designated facility.

40 (2) If a duly authorized peace officer observes a person involved in conduct that gives
41 the officer probable cause to believe that the person has a mental illness, as defined in Section
42 [62A-15-602](#), and because of that apparent mental illness and conduct, there is a substantial
43 likelihood of serious harm to that person or others, pending proceedings for examination and
44 certification under this part, the officer may take that person into protective custody. The peace
45 officer shall transport the person to be transported to the designated facility of the appropriate
46 local mental health authority pursuant to this section, either on the basis of the peace officer's
47 own observation or on the basis of a mental health officer's observation that has been reported
48 to the peace officer by that mental health officer. Immediately thereafter, the officer shall place
49 the person in the custody of the local mental health authority and make application for
50 commitment of that person to the local mental health authority. The application shall be on a
51 prescribed form and shall include the following:

52 (a) a statement by the officer that the officer believes, on the basis of personal
53 observation or on the basis of a mental health officer's observation reported to the officer by the
54 mental health officer, that the person is, as a result of a mental illness, a substantial and
55 immediate danger to self or others;

56 (b) the specific nature of the danger;

57 (c) a summary of the observations upon which the statement of danger is based; and

58 (d) a statement of facts which called the person to the attention of the officer.

59 (3) A person committed under this section may be held for a maximum of [24] 72
60 hours, excluding Saturdays, Sundays, and legal holidays. At the expiration of that time period,
61 the person shall be released unless application for involuntary commitment has been
62 commenced pursuant to Section 62A-15-631. If that application has been made, an order of
63 detention may be entered under Subsection 62A-15-631(3). If no order of detention is issued,
64 the patient shall be released unless he has made voluntary application for admission.

65 (4) Transportation of persons with a mental illness pursuant to Subsections (1) and (2)
66 shall be conducted by the appropriate municipal, or city or town, law enforcement authority or,
67 under the appropriate law enforcement's authority, by ambulance to the extent that Subsection
68 (5) applies. However, if the designated facility is outside of that authority's jurisdiction, the
69 appropriate county sheriff shall transport the person or cause the person to be transported by
70 ambulance to the extent that Subsection (5) applies.

71 (5) Notwithstanding Subsections (2) and (4), a peace officer shall cause a person to be
72 transported by ambulance if the person meets any of the criteria in Section 26-8a-305. In
73 addition, if the person requires physical medical attention, the peace officer shall direct that
74 transportation be to an appropriate medical facility for treatment.

Legislative Review Note
Office of Legislative Research and General Counsel