

212 (iv) the county legislative body; and

213 (v) in a county with a county executive that is separate from the county legislative
214 body, the county executive;

215 (b) the county auditor may examine and audit the entity's financial and other records
216 relevant to the entity's performance of the services provided to the local mental health
217 authority; and

218 (c) the entity will comply with the provisions of Subsection (5)(b).

219 (9) A local mental health authority may receive property, grants, gifts, supplies,
220 materials, contributions, and any benefit derived therefrom, for mental health services. If those
221 gifts are conditioned upon their use for a specified service or program, they shall be so used.

222 (10) Public funds received for the provision of services pursuant to the local mental
223 health plan may not be used for any other purpose except those authorized in the contract
224 between the local mental health authority and the provider for the provision of plan services.

225 (11) A local mental health authority shall provide assisted outpatient treatment
226 services~~[, as described in Section 26B-5-350;]~~ to a resident of the county who has been ordered
227 under Section 26B-5-351 to receive assisted outpatient treatment.

228 Section 2. Section **26B-5-302.5** is enacted to read:

229 **26B-5-302.5. Study concerning civil commitment and the Utah State Hospital.**

230 (1) (a) The Utah Substance Use and Mental Health Advisory Council shall study and
231 make recommendations concerning the need for expanded civil commitment capacity in the
232 state, including an analysis of the anticipated impact that any changes to civil commitment
233 standards made during the 2024 General Session will have on the number of individuals
234 subject to civil commitment.

235 (b) The study and recommendations described in Subsection (1)(a) shall also address
236 the role of the Utah State Hospital in serving patients who are subject to court-ordered
237 treatment, including civil commitment.

237a ~~Ĥ→~~ **(c) The study and recommendations described in Subsection (1)(a) shall also address any**
237b **additional resources or services needed to decrease the likelihood that individuals who are**
237c **subject to court-ordered treatment, including civil commitment, will enter or reenter the Utah**
237d **State Hospital or another inpatient facility.** ~~←Ĥ~~

238 (2) The Utah Substance Use and Mental Health Advisory Council shall provide a
239 report on the study and recommendations described in Subsection (1) to the Judiciary Interim
240 Committee at or before the committee's October 2024 interim meeting.

241 Section 3. Section **26B-5-331 (Superseded 07/01/24)** is amended to read:

242 **26B-5-331 (Superseded 07/01/24). Temporary commitment -- Requirements and**

677 ~~[(iii) the proposed patient lacks the ability to engage in a rational decision-making~~
 678 ~~process regarding the acceptance of mental treatment as demonstrated by evidence of inability~~
 679 ~~to weigh the possible risks of accepting or rejecting treatment;]~~

680 ~~[(iv)]~~ (ii) there is no appropriate less-restrictive alternative to a court order of
 681 commitment; and

682 ~~[(v)]~~ (iii) the local mental health authority can provide the proposed patient with
 683 treatment that is adequate and appropriate to the proposed patient's conditions and needs.

684 (b) (i) If, at the hearing, the court determines that the proposed patient has a mental
 685 illness but does not meet the other criteria described in Subsection (16)(a), the court may
 686 consider whether the proposed patient meets the criteria for assisted outpatient treatment under
 687 Section 26B-5-351.

688 (ii) The court may order the proposed patient to receive assisted outpatient treatment in
 689 accordance with Section 26B-5-351 if, at the hearing, the court finds the proposed patient
 690 meets the criteria for assisted outpatient treatment under Section 26B-5-351.

691 (iii) If the court determines that neither the criteria for commitment under Subsection
 692 (16)(a) nor the criteria for assisted outpatient treatment under Section 26B-5-351 are met, the
 693 court shall dismiss the proceedings after the hearing.

694 (c) The court shall maintain a ~~H~~→ [current] ←~~H~~ list of patients proposed for civil
 694a commitment
 695 who qualify for civil commitment under Subsections (16)(a)(i) and (ii), but for whom the local
 696 mental health authority is unable to provide treatment as described in Subsection (16)(a)(iii).

697 (d) An individual demonstrates an inability to exercise sufficient behavioral control to
 698 avoid serious criminal justice involvement if the individual has been named as a defendant in at
 699 least ten criminal cases, with at least one felony charge in each case, within the previous five
 700 years.

701 (17) (a) (i) The order of commitment shall designate the period for which the patient
 702 shall be treated.

703 (ii) If the patient is not under an order of commitment at the time of the hearing, the
 704 patient's treatment period may not exceed six months without a review hearing.

705 (iii) Upon a review hearing, to be commenced before the expiration of the previous
 706 order of commitment, an order for commitment may be for an indeterminate period, if the court
 707 finds by clear and convincing evidence that the criteria described in Subsection (16) will last