

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 1478 of 2001  
HOUSE BILL 2035

5 By: Representative Goss  
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## For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
10 PERTAINING TO THE TREATMENT OF THE MENTALLY ILL; AND  
11 FOR OTHER PURPOSES.  
12

### Subtitle

13 TO AMEND VARIOUS SECTIONS OF THE  
14 ARKANSAS CODE PERTAINING TO THE  
15 TREATMENT OF THE MENTALLY ILL.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 20-47-103 is amended to read as follows:

22 20-47-103. ~~Sanity inquest~~ Mental Health Judicial Inquiry.

23 ~~(a) If any person shall give information in writing to the probate~~  
24 ~~court that any person in his county is an idiot, lunatic, or of unsound mind~~  
25 ~~and pray that an inquiry thereof be had~~ has a mental illness as defined by  
26 the laws of this state, the probate court, if satisfied that there is good  
27 cause for the exercise of its jurisdiction, shall ~~cause the person so charged~~  
28 ~~to be brought before the court and inquire into the facts by a jury, if the~~  
29 ~~facts are doubtful~~ follow the procedure for involuntary admission and  
30 treatment of the person with the mental illness as set out in the laws of  
31 this state.

32 ~~(b) The court, if just cause appear and at any time during the term at~~  
33 ~~which an inquisition is had, may set aside the verdict and cause a new jury~~  
34 ~~to be summoned to inquire into the facts. However, when two (2) juries concur~~  
35 ~~in any case, the verdict shall not be set aside.~~  
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SECTION 2. Arkansas Code 20-47-104 is amended to read as follows:

20-47-104. Detention prior to commitment to hospital.

(a) ~~The magistrate before whom an insane person is brought~~ probate court with venue and jurisdiction of a person whose involuntary admission is sought shall make such orders as may be necessary to keep ~~him~~ that person in restraint until ~~he~~ the person can be sent, by due process of law, to the State Hospital.

~~(b) If the insane person has no friends to whose custody or care the magistrate can commit him, he may order him to be confined in the county or city jail and shall immediately give notice thereof to the city or county attorney whose duty it shall be to take the proper proceedings for having the insane person sent to the State Hospital.~~

SECTION 3. Arkansas Code 20-47-105 is amended to read as follows:

20-47-105. Liability for costs of proceedings.

(a) When any person shall be found to be ~~insane~~ in need of involuntary admission to the state's mental health system, the cost of proceedings shall be paid out of his estate or, if that is insufficient, by the county.

(b) If the person alleged to be ~~insane shall be~~ in need of involuntary admission to the state's mental health system is discharged without admission, the costs shall be paid by the person at whose instance the proceeding was had, unless the person is an officer acting officially under the provisions of this ~~act~~ section, in which case the costs shall be paid by the county.

SECTION 4. Arkansas Code 20-47-106 is amended to read as follows:

20-47-106. Liability for support.

~~The father and mother of poor, impotent, or insane persons shall maintain them at their own charge, if of sufficient ability, and the children and grandchildren of poor, impotent, or insane parents or grandparents shall maintain them at their own charge, if of sufficient ability.~~ Persons legally liable for the support, care, or maintenance of a person in need of state mental health services shall be liable for the cost of such mental health services to the extent that:

- (1) The person in need of services lacks the ability to pay; and
- (2) The legally liable person is able to pay.

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SECTION 5. Arkansas Code 20-47-107 is amended to read as follows:

20-47-107. Recovery of money paid by county.

In all cases of appropriations out of the county treasury for the support and maintenance, or confinement, of any ~~insane~~ person who is in need of mental health services, the amount thereof may be recovered by the county from any ~~person~~ parent, guardian or custodian who by law is bound to provide for the support and maintenance of the ~~insane~~ person who is in need of mental health services, if there is any ~~person~~ parent, guardian or custodian able to pay the amount.

APPROVED: 4/11/2001