

HOUSE AMENDMENT 1 TO hb1751.

deleting Sections 1 through 10 of the bill and substituting therefor the following:

"SECTION 1. Arkansas Code 20-64-803 is amended to read as follows:

'20-64-803. Civil immunity.

The prosecuting attorney, deputy prosecuting attorneys, ~~prosecutor coordinator~~ the Office of the Prosecutor Coordinator, law enforcement officers, governing boards of the bureau, employees of the bureau, governing boards of designated receiving facilities, and employees of designated receiving facilities and programs shall be immune from civil liability for performance of duties imposed by this subchapter.'

SECTION 2. Arkansas Code 20-64-815 is amended to read as follows:

'20-64-815. Petition for involuntary commitment.

(a) Any person having any reason to believe that a person is homicidal, suicidal, or gravely disabled may file a petition with the clerk of the probate court of the county in which the person alleged to be addicted to alcohol or other drugs resides or is detained and be represented by the prosecuting attorney or any other licensed attorney within the State of Arkansas.

(b) The petition for involuntary commitment shall:

(1) State whether the person is believed to be homicidal, suicidal, or gravely disabled;

(2) Describe the conduct, ~~clinical~~ signs, and symptoms upon which the petition is based. Such descriptions shall be limited to facts within the petitioner's personal knowledge;

(3) Contain the names and addresses of any witnesses having knowledge relevant to the allegations contained in the petition;

(4) Contain a specific prayer for commitment of the person to an appropriate designated receiving facility or program, including residential inpatient or outpatient treatment for his or her addiction to alcohol or other drugs.

(c) Personal service of the petition shall be made in accordance with the Arkansas Rules of Civil Procedure and shall include:

(1) Notice of the date, time, and place of hearing;

(2) A notice that if the person shall fail to appear, the court shall issue an order directing a law enforcement officer to place the person in custody for the purpose of a hearing, unless the court finds that the person is unable to appear by reason of physical infirmity or that the appearance would be detrimental to his health, well-being, or treatment.'

SECTION 3. Arkansas Code 20-64-816 is amended to read as follows:

'20-64-816. Petition for immediate detention.

(a) Any person filing a petition for involuntary commitment may append thereto a petition for immediate detention.

(b) The request for immediate detention shall be verified and shall:

(1) State with particularity facts personally known to the affiant which establish reasonable cause to believe the person is in imminent danger of death or serious bodily harm;

(2) State whether the person is currently detained in a designated receiving facility or program;

(3) Contain a specific prayer that the person be immediately detained at a designated receiving facility or program pending a hearing.

(c) If, based on the petition for involuntary commitment and request for immediate confinement, the judge finds a reasonable cause to believe the person meets the criteria set forth in this subchapter for involuntary commitment and that the person is in imminent danger of death or serious bodily harm, the court may grant the request and order a law enforcement officer to place the person in immediate detention at ~~the Benton Detoxification Service Center~~ or a designated receiving facility or program for treatment pending a hearing to be scheduled and conducted pursuant to § 20-64-821.

(d) Personal service of the petition and order of immediate detention must be made by a law enforcement officer, who shall, at the time of service, take the person into custody and immediately deliver such person to ~~the Benton Detoxification Service Center~~ or a designated receiving facility or program.'

SECTION 4. Arkansas Code 20-64-821 is amended to read as follows:

'20-64-821. Initial hearing - Determination - Evaluation.

(a) In each case a hearing shall be set by the court within five (5) days, excluding weekends and holidays, of the filing of a petition for involuntary commitment, with a request for continued detention or for involuntary commitment with a request for immediate detention.

(b) The person named in the original petition may be removed from the presence of the court upon finding that his conduct before the court is so disruptive that proceedings cannot be reasonably continued with him present.

(c) The petitioner shall appear before the probate judge to substantiate the petition. The court shall make a determination based upon clear and convincing evidence that the standards for involuntary commitment apply to the person. If such a determination is made, the person shall be remanded to a designated agent of the ~~division~~ Bureau of Alcohol and Drug Abuse Prevention or the designated receiving facility for treatment for a period of up to twenty-one (21) days.

(d) Every person remanded for treatment shall have an evaluation within ~~twenty-four~~

~~(24)~~ forty-eight (48) hours of detention.

(e) A copy of the Court Order committing the person to the designated receiving facility for treatment shall be forwarded to the designated receiving facility within five (5) working days.'

SECTION 5. Arkansas Code 20-64-824 is amended to read as follows:

'20-64-824. Additional commitment.

(a) An additional forty-five (45) day commitment order may be requested if, in the opinion of the treatment staff, a person remains suicidal, homicidal, or gravely disabled.

(b) Any request for periods of additional commitment pursuant to this section shall be made by petition verified by the receiving facility treatment staff. Said petition shall set forth facts and circumstances forming the basis for such request. Upon the filing of the petition for additional commitment all rights enumerated in § 20-64-817 shall be applicable.

(c) A hearing on the petition for additional commitment pursuant to this section shall be held before the expiration of the period of confinement. The hearing may be held in a receiving facility or program where the person is detained or residing. A copy of the petition shall be served upon the person sought to be additionally committed along with a copy forwarded to any attorney who may have represented, or been appointed to represent, the person at the initial hearing.

(d) All testimony shall be recorded under oath and preserved. The need for additional commitment shall be proven by clear and convincing evidence.'

SECTION 6. Arkansas Code 20-64-826 is amended to read as follows:

'20-64-826. Early release.

(a) If any person is released from detention prior to the expiration of the period of commitment, the court may, condition such release upon the person's compliance with outpatient treatment for such time, not to exceed the duration of the commitment order, and at such facility as may be specified by the court.

(b) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be provided.'"

AND

by appropriately renumbering the subsequent sections of the bill