

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/26/97

A Bill

ACT 1246 OF 1997
HOUSE BILL 1751

5 By: Representative Goodwin
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
10 20, CHAPTER 64, SUBCHAPTER 8 CONCERNING COMMITMENT OF
11 PERSONS ADDICTED TO ALCOHOL OR DRUGS; AND FOR OTHER
12 PURPOSES."
13

Subtitle

14 "AN ACT CONCERNING COMMITMENT OF PERSONS
15 ADDICTED TO ALCOHOL OR DRUGS."
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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 20-64-803 is amended to read as follows:

22 "20-64-803. Civil immunity.

23 The prosecuting attorney, deputy prosecuting attorneys, ~~prosecutor~~
24 ~~coordinator~~ the Office of the Prosecutor Coordinator, law enforcement
25 officers, governing boards of the bureau, employees of the bureau, governing
26 boards of designated receiving facilities, and employees of designated
27 receiving facilities and programs shall be immune from civil liability for
28 performance of duties imposed by this subchapter."
29

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

31 "20-64-815. Petition for involuntary commitment.

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

1 Arkansas.

2 (b) The petition for involuntary commitment shall:

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

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

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

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

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

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

17 (2) A notice that if the person shall fail to appear, the court
18 shall issue an order directing a law enforcement officer to place the person
19 in custody for the purpose of a hearing, unless the court finds that the
20 person is unable to appear by reason of physical infirmity or that the
21 appearance would be detrimental to his health, well-being, or treatment."
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23 SECTION 3. Arkansas Code 20-64-816 is amended to read as follows:

24 "20-64-816. Petition for immediate detention.

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

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

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

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

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

35 (c) If, based on the petition for involuntary commitment and request
36 for immediate confinement, the judge finds a reasonable cause to believe the

1 person meets the criteria set forth in this subchapter for involuntary
2 commitment and that the person is in imminent danger of death or serious
3 bodily harm, the court may grant the request and order a law enforcement
4 officer to place the person in immediate detention at ~~the Benton~~
5 ~~Detoxification Service Center~~ or a designated receiving facility or program
6 for treatment pending a hearing to be scheduled and conducted pursuant to
7 20-64-821.

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

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

14 "20-64-821. Initial hearing - Determination - Evaluation.

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

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

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

29 (d) Every person remanded for treatment shall have an evaluation within
30 ~~twenty-four (24)~~ forty-eight (48) hours of detention.

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

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

36 "20-64-824. Additional commitment.

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

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

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

16 (d) All testimony shall be recorded under oath and preserved. The need
17 for additional commitment shall be proven by clear and convincing evidence."
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19 SECTION 6. Arkansas Code 20-64-826 is amended to read as follows:

20 "20-64-826. Early release.

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

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

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32 SECTION 7. All provisions of this act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
34 Code Revision Commission shall incorporate the same in the Code.

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36 SECTION 8. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 9. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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/s/Rep. Goodwin

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APPROVED:4-09-97

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