

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 136

TO CREATE THE CRIMINAL JUSTICE EFFICIENCY AND SAFETY ACT OF 2017.

Amendment No. 3 to Senate Bill No. 136

Amend Senate Bill No. 136 as engrossed, S2/13/17 (version: 02/13/2017 10:41:54 AM):

Page 9, line 22, delete "find" and substitute "finds"

AND

Page 17, line 20, delete "." and substitute "."

AND

Page 17, line 34, delete "commitment" and substitute "~~commitment~~ sentencing order"

AND

Page 18, delete lines 16 through 23, and substitute the following:

"~~(A)(1)~~ While falling short of a defense, the victim played an aggressive role in the incident or provoked or willingly participated in ~~it;~~ the incident;

~~(B)(i) While falling short of a defense, the person lack substantial capacity for judgment because of physical or mental impairment~~

~~(ii) Voluntary use of drugs or alcohol does not fall within this factor;"~~

AND

Page 23, line 31, delete "suspended sentence" and substitute "suspended imposition of sentence"

AND

Page 23, line 36, delete "suspended sentence" and substitute "suspended imposition of sentence"

AND



Page 24, delete line 21, and substitute the following:

"transport to an appropriate authority of the Department of Community Correction is not practicable, then to"

AND

Page 29, delete lines 3 and 4, and substitute the following:

"(g) Noncompliance with program requirements approved by the Board of Corrections or violent or sexual behavior while"

AND

Page 30, delete line 35, and substitute the following:

"technical conditions violation or serious conditions violation and is sentenced"

AND

Page 31, line 27, delete "violation" and substitute "violation or serious conditions violation"

AND

Page 32, delete lines 9 and 10, and substitute the following:

"(d) Noncompliance with program requirements approved by the Board of Corrections or violent or sexual behavior while"

AND

Page 39, line 10, delete "section;" and substitute "section and is a manifestation of a mental health condition or a substance abuse disorder;"

AND

Page 39, delete lines 13 through 17, and substitute the following:

"(4) "Comprehensive psychiatric emergency service" means a specialized psychiatric service operated by a crisis stabilization unit and located in or near a hospital or other facility that can provide psychiatric emergency services for a period of time greater than can be provided in the hospital or other facility;"

AND

Page 40, delete lines 3 through 7, and substitute the following:

"(8) "Crisis stabilization unit" means a public or private facility operated by or used by a behavioral health crisis intervention team in the administration of a behavioral health crisis intervention protocol;"

AND

Page 40, delete line 11, and substitute the following:

"comprehensive psychiatric emergency service in a facility certified by the"

AND

Page 40, delete line 14, and substitute the following:

"(11) "Mental health professional" means a person qualified by licensure and experience in the diagnosis and treatment of behavioral health conditions;

(12) "Participating partner" means a law enforcement agency, a"

AND

Page 40, line 19, delete "(12)" and substitute "(13)"

AND

Page 40, line 24, delete "(13)" and substitute "(14)"

AND

Page 40, line 33, delete "(14)" and substitute "(15)"

AND

Page 41, line 2, delete "single point of entry" and substitute "crisis stabilization unit"

AND

Page 41, delete lines 3 through 6

AND

Page 43, delete lines 4 and 5, and substitute the following:

"stabilization unit catchment area that has agreed to serve as a crisis stabilization unit and to provide psychiatric emergency services, triage and referral"

AND

Page 43, delete lines 10 and 11, and substitute the following:

"(c)(1) As a participating partner and serving as a crisis stabilization unit, a hospital, community mental health center, or mental health facility"

AND

Page 43, delete lines 21 and 22, and substitute the following:

"impairment is under a crisis intervention protocol and detained at a crisis stabilization unit, the individual is"

AND

Page 44, line 8, delete "single point of entry" and substitute "crisis stabilization unit"

AND

Page 44, delete lines 10 through 18, and substitute the following:

"(b)(1) A collaborative agreement under subsection (a) of this section shall specify that the facility designated under the collaborative agreement as the crisis stabilization unit is required to accept for screening and triage an individual who is in the custody of or detained by a law enforcement agency if:

(A) The law enforcement agency employs:

(i) A crisis intervention team officer operating within the crisis stabilization unit catchment area, whether in the field or at a local detention facility; or

(ii) A crisis intervention team officer operating within the crisis stabilization unit catchment area and has entered into an agreement with another law enforcement agency to transport an individual to a crisis stabilization unit; and

(B) The individual has been taken into custody or is detained because the individual demonstrates the substantial likelihood of committing bodily harm against himself or herself or against another person."

AND

Page 44, delete lines 25 through 36

AND

Page 45, delete lines 1 through 5, and substitute the following:

"20-47-807. Crisis stabilization units – Operations.

(a)(1) The internal operation of a crisis stabilization unit shall be governed by the administration of a facility designated as the crisis stabilization unit and regulated by the Department of Human Services or a division of the department.

(2) All collaborative agreements under § 20-47-806(a) shall be in compliance with the regulatory authorities under subdivision (a)(1) of this section.

(b)(1) A facility operating as a crisis stabilization unit under a crisis intervention protocol shall appoint a unit director to oversee the operation of the facility-based service.

(2) The unit director shall assure that the services provided are within the guidelines established by the collaborative agreements under § 20-47-806(a).

(c) Notwithstanding any other provision of law, this subchapter does not create an entitlement for any individual to receive psychiatric emergency services at a crisis stabilization unit."

AND

Page 45, line 14, delete "single point of entry" and substitute "crisis stabilization unit"

AND

Page 45, delete lines 18 through 21, and substitute the following:

"(b)(1) Only a crisis intervention team officer with jurisdictional authority to operate within a crisis stabilization unit catchment area may determine whether a person in custody should be transported to the crisis stabilization unit for that crisis stabilization unit catchment area.

(2) However, any law enforcement officer may transport the person to the crisis stabilization unit for that crisis stabilization unit catchment area when the determination under subdivision (b)(1) of this section has been made."

AND

Page 45, line 23, delete "single point of entry" and substitute "crisis stabilization unit"

AND

Page 45, delete line 26, and substitute the following:

"psychiatric physician assistant, or mental health professional."

AND

Page 45, delete lines 27 through 35, and substitute the following:

"(2) If the individual does not consent to voluntary evaluation and treatment and the physician, psychiatric nurse practitioner, psychiatric physician assistant, or mental health professional determines that the individual is an individual with a behavioral health impairment, the physician, psychiatric nurse practitioner, psychiatric physician assistant, or mental health professional shall then determine if that individual may be held under the crisis intervention protocol as set out in this subchapter.

(3) If the physician, psychiatric nurse practitioner, psychiatric physician assistant, or mental health professional determines that the individual demonstrates a"

AND

Page 46, delete lines 3 and 4, and substitute the following:

"restrictive alternative, the individual may be held at the crisis stabilization unit until the behavioral health impairment has resolved and the individual"

AND

Page 46, line 10, delete "single point of entry" and substitute "crisis stabilization unit"

AND

Page 46, line 15, delete "single point of entry" and substitute "crisis

stabilization unit"

AND

Page 46, delete lines 19 and 20, and substitute the following:

"privacy and safety of all patients receiving services in the crisis stabilization unit, the Department of Human Services may approve the location of one (1)"

AND

Page 46, delete lines 28 through 30, and substitute the following:

"(d)(1) A psychiatric emergency service provided by a crisis stabilization unit shall have at least one (1) physician, one (1) psychiatric nurse practitioner, one (1) psychiatric physician assistant, or one (1) mental health professional who is a member of"

AND

Page 46, line 31, delete "single point of entry" and substitute "crisis stabilization unit"

AND

Page 47, delete lines 7 through 10, and substitute the following:

"(C) The physician, psychiatric nurse practitioner, psychiatric physician assistant, or mental health professional on call for the psychiatric emergency service to evaluate the individual with a behavioral health impairment onsite within twelve (12) hours of the individual's admission.

(3) A crisis stabilization unit is encouraged to use telemedicine under this subchapter to the extent it is effective and authorized by state law."

AND

Page 48, delete lines 16 through 20, and substitute the following:

"the development of those collaborations.

20-47-813. Rulemaking authority.

The Department of Human Services is authorized to utilize rulemaking in order to properly implement the provisions of this subchapter concerning the certification of a nonhospital crisis stabilization unit."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Hutchinson

BPG/TDW - 02-15-2017 13:02:35

BPG302

Secretary