

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Goodwin

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## For An Act To Be Entitled

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

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## Subtitle

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code 20-64-801 is amended to read as follows:

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"20-64-801. Definitions.

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As used in this subchapter:

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(1) Administrator refers to the chief administrative officer or executive director of any *private or public* facility or program designated as a receiving facility or program by the bureau;

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(2) Bureau refers to the Bureau of Alcohol and Drug Abuse Prevention of the Department of Health;

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(3) Detention refers to any confinement of a person against his wishes and begins either:

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(A) When a person is involuntarily brought to a receiving facility or program; or

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(B) When the person appears for the initial hearing; or

(C) When a person on a voluntary admission is in a receiving

1 facility or program pursuant to § 20-64-810;

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3 (4) Evaluation means an assessment prepared by a *receiving facility*  
4 to include a description of the existence and extent of the person's  
5 addiction to alcohol or drugs;

6 (5) Gravely disabled refers to a person who, if allowed to remain at  
7 liberty, is substantially likely, by reason of addiction to alcohol or other  
8 drugs, to physically harm himself or others as a result of inability to make  
9 a rational decision to receive medication or treatment, as evidenced by:

10 (A) Inability to provide for his own food, clothes, medication,  
11 medical care, or shelter; or

12 (B) Placement of others in a reasonable fear of violent behavior  
13 or serious physical harm to them; or

14 (C) An inability to avoid or protect himself from severe  
15 impairment or injury without treatment;

16 (6) Homicidal refers to a person who is addicted to alcohol or drugs  
17 and poses a significant risk of physical harm to others as manifested by  
18 recent overt behavior evidencing homicidal or other violent assaultive  
19 tendencies;

20 (7) Person shall mean a citizen of the State of Arkansas who is  
21 eighteen (18) years of age or older;

22 (8) Receiving facility or program refers to a residential,  
23 inpatient, or outpatient treatment facility or program which is designated  
24 within each geographical area of the state by the bureau to accept the  
25 responsibility for care, custody, and treatment of persons voluntarily  
26 admitted or involuntarily committed to such facility or program;

27 (9) Suicidal refers to a person who is addicted to alcohol or other  
28 drugs and by reason thereof poses a substantial risk to himself as manifested  
29 by evidence of, threats of, or attempts at suicide, or serious self-inflicted  
30 bodily harm, or by evidence of other behavior or thoughts that create a grave  
31 and imminent risk to his physical condition."

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33 SECTION 2. Arkansas Code 20-64-803 is amended to read as follows:

34 "20-64-803. Civil immunity.

35 The prosecuting attorney, prosecutor coordinator, law enforcement

1 officers, employees of the bureau, and employees of designated receiving  
2 facilities and programs shall be immune from civil liability for performance  
3 of duties imposed by this subchapter."  
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5 SECTION 3. Arkansas Code 20-64-805 is amended to read as follows:

6 "20-64-805. Inspections - Procedures.

7 (a) To assure compliance with this subchapter, the bureau, through its  
8 authorized agents, may visit or investigate any receiving program or facility  
9 to which persons are admitted or committed under this subchapter.

10 (b) The bureau shall promulgate written procedures to implement this  
11 subchapter on or before July 1, 1995. Such provisions shall:

12 (1) Designate receiving facilities and programs within  
13 prescribed geographical areas of the state for purposes of voluntary  
14 admissions or involuntary commitments under this subchapter; and

15 (2) Establish ongoing mechanisms, guidelines, and regulations  
16 for review and refinement of the treatment programs offered in the receiving  
17 facilities and programs for alcohol and other drug abuse throughout this  
18 state."  
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20 SECTION 4. Arkansas Code 20-64-810 is amended to read as follows:

21 "20-64-810. Voluntary admissions.

22 Any person who believes himself to be addicted to alcohol or other  
23 drugs may apply to the administrator or his designee of a receiving facility  
24 or program for admission. If the administrator or his designee shall be  
25 satisfied after examination of the applicant that he is in need of treatment  
26 and will be benefited thereby, the applicant may be received and cared for in  
27 the receiving facility or program for such a period of time as the  
28 administrator or his designee shall deem necessary for the recovery and  
29 improvement of said person, provided that said person agrees at all times to  
30 remain in the receiving facility or program."  
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32 SECTION 5. Arkansas Code 20-64-812 (a) is amended to read as follows:

33 "(a) Treatment staff shall immediately inform the prosecuting attorney  
34 of the county where the treatment facility or program is located if, in the  
35 opinion of the treatment staff, a person who voluntarily admitted himself

1 meets the criteria for involuntary commitment set forth in this subchapter  
2 and such person has absented himself from the receiving facility or program.  
3 The prosecuting attorney shall initiate an involuntary commitment under this  
4 subchapter against such person. Statements made by the prosecuting attorney  
5 in furtherance of the petition shall not be deemed to be a disclosure.  
6 Statements made by treating staff to the prosecuting attorney shall be  
7 treated as confidential and the prosecuting attorney shall remain subject to  
8 the confidentiality requirements as set forth in state and federal law and  
9 regulation."

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11 SECTION 6. Arkansas Code 20-64-815 is amended to read as follows:

12 "20-64-815. Petition for involuntary commitment.

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

19 (b) The petition for involuntary commitment shall:

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

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

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

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

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

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

34 (2) A notice that if the person shall fail to appear, the court  
35 shall issue an order directing a law enforcement officer to place the person

1 in custody for the purpose of a hearing, unless the court finds that the  
2 person is unable to appear by reason of physical infirmity or the appearance  
3 would be detrimental to his health, well-being, or treatment."

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5 SECTION 7. Arkansas Code 20-64-816 is amended to read as follows:

6 "20-64-816. Petition for immediate detention.

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

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

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

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

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

17 (c) If, based on the petition for involuntary commitment and request  
18 for immediate confinement, the judge finds a reasonable cause to believe the  
19 person meets the criteria set forth in this subchapter for involuntary  
20 commitment and that the person is in imminent danger of death or serious  
21 bodily harm, the court may grant the request and order a law enforcement  
22 officer to place the person in immediate detention at *the Benton*  
23 *Detoxification Service Center* or a designated receiving facility or program  
24 for treatment pending a hearing to be scheduled and conducted pursuant to §  
25 20-64-821.

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

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32 SECTION 8. Arkansas Code 20-64-830 is amended to read as follows:

33 "20-64-830. Liability for treatment - Rules.

34 (a) Any person legally obligated to support a person in treatment from  
35 a receiving facility or program shall pay to such facility or program an

1 amount to be fixed by such facility or program as cost for treatment. Such  
2 amounts shall be a debt of the obligor.

3 (b) The Bureau of Alcohol and Drug Abuse Prevention of the Department of  
4 Health shall promulgate rules specifying the amounts to be fixed as costs and  
5 establishing procedures for implementation of this section. Such rules shall  
6 set forth costs by reference to the income and assets of the obligor."  
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8 SECTION 9. All provisions of this act of a general and permanent  
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
10 Code Revision Commission shall incorporate the same in the Code.  
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12 SECTION 10. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.  
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18 SECTION 11. All laws and parts of laws in conflict with this act are  
19 hereby repealed.  
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21 /s/Rep. Goodwin  
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