

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/12/99

A Bill

HOUSE BILL 2227

5 By: Representative Vess
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 20-47-205 TO CLARIFY
10 THE AUTHORITY OF THE SIXTH JUDICIAL DISTRICT TO ENTER
11 TREATMENT ORDERS IN INVOLUNTARY COMMITMENT HEARINGS;
12 AND FOR OTHER PURPOSES. "
13

Subtitle

14 "AN ACT TO AMEND ARKANSAS CODE § 20-47-
15 205 TO CLARIFY THE AUTHORITY OF THE
16 SIXTH JUDICIAL DISTRICT TO ENTER
17 TREATMENT ORDERS IN INVOLUNTARY
18 COMMITMENT HEARINGS. "
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 20-47-205 is amended to read as follows:

25 "20-47-205. Jurisdiction of probate court.

26 (a) The probate courts of this state shall have exclusive jurisdiction
27 of the involuntary admission procedures initiated pursuant to this subchapter,
28 except that the juvenile division of the chancery court or such other court or
29 courts as may hereafter be vested with such jurisdiction shall have concurrent
30 jurisdiction to involuntarily commit persons under eighteen (18) years of age
31 to the extent provided by this section.

32 (b) The probate court shall conduct, within seven (7) days excluding
33 weekends and holidays, of the person's detention, the hearing as defined in §
34 20-47-214.

35 (1) Except as otherwise provided in paragraph (d) of this
36 section, the hearing, as defined by § 20-47-214 and § 20-47-215, shall be

1 conducted by the same court, or a judge designated on exchange, who heard the
2 original petition and issued the appropriate order.

3 (2) The court shall ensure that the person sought to be
4 involuntarily admitted is afforded all his or her rights as prescribed by this
5 subchapter.

6 (3) The probate judge, when conducting any hearing set out in
7 this subchapter, may conduct said hearing within any county of the judge's
8 judicial district.

9 (c) The hearings conducted pursuant to §§ 20-47-209, ~~and 20-47-214~~ and
10 20-47-215 may be held at inpatient programs of the state mental health system
11 or a receiving facility or program where the person is detained.

12 ~~(d) The probate judge, when conducting any hearing set out in this~~
13 ~~subchapter, may conduct said hearing within any county of the judge's judicial~~
14 ~~district.~~

15 ~~(e)(d)~~ Each A Sixth Judicial District probate judge sitting within the
16 Sixth Judicial District may conduct involuntary commitment hearings prescribed
17 by §§ 20-47-214 and 20-47-215 and initiated in other Judicial Districts of
18 this state pursuant to §§ 20-47-207 and 20-47-209, provided that the person
19 sought to be committed is detained within the boundaries of the Sixth Judicial
20 District at the time of the hearing held pursuant to §§ 20-47-214 or 20-47-
21 215. Said Sixth Judicial District Probate Judge shall thus assume the mantle
22 of other Judicial Districts and shall have the authority to enter treatment
23 orders for other Judicial Districts in the hearings prescribed by §§ 20-47-214
24 and 20-47-215. In such cases, no initial petition, pursuant to § 20-47-207,
25 shall be filed in the Sixth Judicial District, but only in the court of
26 original jurisdiction. Provided, however, if the person was transported to a
27 location within the Sixth Judicial District by order of a court outside the
28 Sixth Judicial District, the court of original jurisdiction may conduct the
29 hearings prescribed by §§ 20-47-214 and 20-47-215."

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31 SECTION 2. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
9 Eighty-second General Assembly that the recent decision of the Arkansas
10 Supreme Court in Chatman v. State (February 11, 1999) has created some
11 confusion as to the authority of the Sixth Judicial District Probate Judges
12 with regard to involuntary commitment hearings and that this act should take
13 immediate effect to resolve this confusion. Therefore, an emergency is
14 declared to exist and this act being immediately necessary for the
15 preservation of the public peace, health and safety shall become effective on
16 the date of its approval by the Governor. If the bill is neither approved nor
17 vetoed by the Governor, it shall become effective on the expiration of the
18 period of time during which the Governor may veto the bill. If the bill is
19 vetoed by the Governor and the veto is overridden, it shall become effective
20 on the date the last house overrides the veto.

21 /s/ Vess