

COMMITTEE ON HEALTH & HUMAN SERVICES  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2418  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-529, Arizona Revised Statutes, is amended to  
3 read:

4 36-529. Order for evaluation; order for detention; hearing

5 A. If, from the review of the petition for evaluation, the court  
6 does not determine that the proposed patient is likely to present a danger  
7 to self or others or further deteriorate before the proposed patient's  
8 hearing on court-ordered treatment, but determines that there is reasonable  
9 cause to believe that the proposed patient is, as a result of a mental  
10 disorder, a danger to self or others or has a persistent or acute  
11 disability or a grave disability, the court shall issue an order directing  
12 the proposed patient to submit to an evaluation at a designated time and  
13 place, specifying that the evaluation will take place on an inpatient or an  
14 outpatient basis. The court may also order that, if the person does not or  
15 cannot so submit, the person be taken into custody by a peace officer and  
16 delivered to an evaluation agency. If the court makes such a conditional  
17 order, it shall also make a conditional appointment of counsel for the  
18 person to become effective when and if the person is taken into custody  
19 pursuant to this section.

20 B. If, from review of the petition for evaluation, there is  
21 reasonable cause to believe that the proposed patient is, as a result of a  
22 mental disorder, a danger to self or others or has a persistent or acute  
23 disability or a grave disability and that the person requires immediate or  
24 continued hospitalization before the proposed patient's hearing on  
25 court-ordered treatment, the court shall order the proposed patient taken  
26 into custody and evaluated at an evaluation agency. The court shall  
27 promptly appoint counsel for the proposed patient. If an intercounty  
28 agreement authorizes the same, the court may order that the evaluation be  
29 conducted in another county, and the superior court in the county where the

1 evaluation is conducted ~~shall have~~ HAS concurrent jurisdiction to make  
2 appropriate orders concerning the proposed patient.

3 C. If the person is not taken into custody or if the evaluation  
4 pursuant to the order of the court under subsection A or B of this section  
5 is not initiated within fourteen days ~~from~~ AFTER the date of the order, the  
6 order and petition for evaluation ~~shall~~ expire. If a prosecutor filed a  
7 petition pursuant to section 13-4517, the court and the prosecuting agency  
8 shall receive notice of the expiration of the order for evaluation. The  
9 court may enter any orders necessary for further disposition pursuant to  
10 section 13-4517, including a pickup order directing that the person be  
11 taken into custody. This subsection does not prevent any person from  
12 initiating another court-ordered evaluation of the person pursuant to this  
13 chapter.

14 D. If the person is involuntarily hospitalized, the person shall be  
15 informed by the person's appointed attorney of the right to a hearing to  
16 determine whether the person should be involuntarily hospitalized for  
17 evaluation and to be represented at the hearing by an attorney. If the  
18 person requests a hearing to determine whether the person should be  
19 involuntarily hospitalized during evaluation, the court shall schedule a  
20 hearing at its ~~first~~ EARLIEST opportunity.

21 E. IF AN ORDER ISSUED PURSUANT TO SUBSECTION A OF THIS SECTION DOES  
22 NOT REQUIRE THE PERSON TO BE TAKEN INTO CUSTODY, THE USE OF A PEACE OFFICER  
23 IS NOT REQUIRED TO SERVE THE ORDER. SERVICE MAY BE PROVIDED BY A PRIVATE  
24 PROCESS SERVER WHO IS CERTIFIED PURSUANT TO SECTION 12-3301."

25 Amend title to conform

And, as so amended, it do pass

2418HEALTH HUMAN SERVICES  
02/13/2020  
12:36 PM  
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NANCY K. BARTO  
CHAIRMAN