

SENATE BILL NO. 1109

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

5447S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 632.305, RSMo, and to enact in lieu thereof one new section relating to civil detention.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 632.305, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 632.305,
3 to read as follows:

632.305. 1. An application for detention for
2 evaluation and treatment may be executed by any adult
3 person, who need not be an attorney or represented by an
4 attorney, including the mental health coordinator, on a form
5 provided by the court for such purpose, and **[must]** shall
6 allege under oath, **without a notarization requirement**, that
7 the applicant has reason to believe that the respondent is
8 suffering from a mental disorder and presents a likelihood
9 of serious harm to himself **or herself** or to others. The
10 application **[must]** shall specify the factual information on
11 which such belief is based and should contain the names and
12 addresses of all persons known to the applicant who have
13 knowledge of such facts through personal observation.

14 2. The filing of a written application in court by any
15 adult person, who need not be an attorney or represented by
16 an attorney, including the mental health coordinator, shall
17 authorize the applicant to bring the matter before the court
18 on an ex parte basis to determine whether the respondent

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 should be taken into custody and transported to a mental
20 health facility. The application may be filed in the court
21 having probate jurisdiction in any county where the
22 respondent may be found. If the court finds that there is
23 probable cause, either upon testimony under oath or upon a
24 review of affidavits, to believe that the respondent may be
25 suffering from a mental disorder and presents a likelihood
26 of serious harm to himself **or herself** or others, it shall
27 direct a peace officer to take the respondent into custody
28 and transport him **or her** to a mental health facility for
29 detention for evaluation and treatment for a period not to
30 exceed ninety-six hours unless further detention and
31 treatment is authorized pursuant to this chapter. Nothing
32 herein shall be construed to prohibit the court, in the
33 exercise of its discretion, from giving the respondent an
34 opportunity to be heard.

35 3. A mental health coordinator may request a peace
36 officer to take or a peace officer may take a person into
37 custody for detention for evaluation and treatment for a
38 period not to exceed ninety-six hours only when such mental
39 health coordinator or peace officer has reasonable cause to
40 believe that such person is suffering from a mental disorder
41 and that the likelihood of serious harm by such person to
42 himself **or herself** or others is imminent unless such person
43 is immediately taken into custody. Upon arrival at the
44 mental health facility, the peace officer or mental health
45 coordinator who conveyed such person or caused him **or her** to
46 be conveyed shall either present the application for
47 detention for evaluation and treatment upon which the court
48 has issued a finding of probable cause and the respondent
49 was taken into custody or complete an application for
50 initial detention for evaluation and treatment for a period

51 not to exceed ninety-six hours which shall be based upon his
52 **or her** own personal observations or investigations and shall
53 contain the information required in subsection 1 of this
54 section.

55 4. If a person presents himself **or herself** or is
56 presented by others to a mental health facility and a
57 licensed physician, a registered professional nurse or a
58 mental health professional designated by the head of the
59 facility and approved by the department for such purpose has
60 reasonable cause to believe that the person is mentally
61 disordered and presents an imminent likelihood of serious
62 harm to himself **or herself** or others unless he **or she** is
63 accepted for detention, the licensed physician, the mental
64 health professional or the registered professional nurse
65 designated by the facility and approved by the department
66 may complete an application for detention for evaluation and
67 treatment for a period not to exceed ninety-six hours. The
68 application shall be based on his **or her** own personal
69 observations or investigation and shall contain the
70 information required in subsection 1 of this section.

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