

SENATE BILL NO. 2171

Introduced by

Senators Mathern, Roers

Representatives Porter, Rohr

1 A BILL for an Act to amend and reenact section 25-03.1-26 of the North Dakota Century Code,
2 relating to an emergency mental health petition; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 25-03.1-26 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **25-03.1-26. Emergency procedure - Acceptance of petition and individual - Notice -**
7 **Court hearing set.**

8 1. A public treatment facility immediately shall accept and a private treatment facility may
9 accept on a provisional basis the application and the individual admitted under section
10 25-03.1-25. The superintendent or director shall require an immediate examination of
11 the subject ~~and,~~

12 2. After the individual contacts the provider conducting the examination, exclusive of
13 holidays and weekends, either within twenty-four hours, ~~exclusive of holidays, after~~
14 admission or ~~within seventy-two hours after admission, exclusive of holidays,~~ if the
15 individual is admitted with a serious physical condition or illness that requires prompt
16 treatment ~~within seventy-two hours, the superintendent or director shall either:~~

17 a. Release the individual if the superintendent or director finds that the subject does
18 not meet the emergency commitment standards; or

19 b. File a petition if one has not been filed with the court of the individual's residence
20 or the court which directed immediate custody under subsection 2 of section
21 25-03.1-25, giving notice to the court and stating in detail the circumstances and
22 facts of the case.

23 2-3. Upon receipt of the petition and notice of the emergency detention, the magistrate
24 shall set a date for a preliminary hearing, if the respondent is alleged to be a person

1 individual who is mentally ill or a ~~person~~ individual who is ~~both~~ mentally ill and has a
2 substance use disorder, or a treatment hearing, if the respondent is alleged to be a
3 ~~person~~ individual who has a substance use disorder, to be held no later than four
4 days, exclusive of weekends and holidays, after detention unless the ~~person~~ individual
5 has been released as a ~~person~~ individual not requiring treatment, has been
6 voluntarily admitted for treatment, has requested or agreed to a continuance, or unless
7 the hearing has been extended by the magistrate for good cause shown. The
8 magistrate shall appoint counsel if one has not been retained by the respondent.

9 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.