

SENATE BILL NO. 2219

Introduced by

Senators T. Mathern, Heitkamp, Thane

Representatives Koppang, Gulleason, Cleary

1 A BILL for an Act to amend and reenact section 25-03.1-11 of the North Dakota Century Code,
2 relating to involuntary treatment and commitment procedures.

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

4 **SECTION 1. AMENDMENT.** Section 25-03.1-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **25-03.1-11. Involuntary treatment - Examination - Report.**

7 1. The respondent must be examined within a reasonable time by an expert examiner
8 as ordered by the court. If the respondent is taken into custody under the
9 emergency treatment provisions of this chapter, the examination must be
10 conducted within twenty-four hours, exclusive of holidays, of custody. Any expert
11 examiner conducting an examination under this section may consult with or
12 request participation in the examination by any qualified mental health professional
13 and may include with the written examination report any findings or observations
14 by that mental health professional. This examination report, and that of the
15 independent examiner, if one has been requested, must be filed with the court.

16 The report must contain:

- 17 ~~4-~~ a. Evaluations of the respondent's physical condition and mental status.
18 ~~2-~~ b. A conclusion as to whether the respondent is a person requiring treatment,
19 with a clear explanation of how that conclusion was derived from the
20 evaluation.
21 ~~3-~~ c. If the report concludes that the respondent is a person requiring treatment, a
22 list of available forms of care and treatment that may serve as alternatives to
23 involuntary hospitalization.
24 ~~4-~~ d. The signature of the examiner who prepared the report.

1 2. If the expert examiner concludes that the respondent is not a person requiring
2 treatment, the court may without taking any other additional action terminate the
3 proceedings and dismiss the petition. If the expert examiner concludes that the
4 respondent is a person requiring treatment, or makes no conclusion thereon, the
5 court shall set a date for hearing and shall give notice of hearing to the persons
6 designated in section 25-03.1-12. If the respondent is in custody and is alleged to
7 be suffering from mental illness or a combination of mental illness and chemical
8 dependency, the preliminary hearing date must be within ~~seven~~ four days of the
9 date respondent was taken into custody through emergency commitment under
10 section 25-03.1-25 unless a delay or continuance is concurred in by the
11 respondent or unless extended by the magistrate for good cause shown. If a
12 preliminary hearing is not required, the treatment hearing must be held within
13 ~~seven~~ four days of the date the court received the expert examiner's report, not to
14 exceed fourteen days from the time the petition was served.