

**FIRST ENGROSSMENT**

**ENGROSSED 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. either within twenty-four hours, exclusive of holidays, after admission or within~~ Within  
13 ~~seventy-two hours after admission, exclusive of holidays, if the individual is admitted~~  
14 ~~with a serious physical condition or illness that requires prompt treatment~~ as medically  
15 necessary, the superintendent or director shall either:

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

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

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

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