

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2171**

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

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

1. A public treatment facility immediately shall accept and a private treatment facility may accept on a provisional basis the application and the individual admitted under section 25-03.1-25. The superintendent or director shall require an immediate examination of the ~~subject and~~ individual admitted.
2. After the individual ~~contacts the provider conducting the examination is~~ admitted, exclusive of holidays ~~and weekends~~ under section 1-03-01, either within twenty-four hours, ~~exclusive of holidays, after admission or~~ within seventy-two hours ~~after admission, exclusive of holidays~~, if the individual is admitted with a serious physical condition or illness that requires prompt treatment ~~within seventy two hours~~, the superintendent or director shall either:
  - a. Release the individual if the superintendent or director finds that the subject does not meet the emergency commitment standards; or
  - b. File a petition if one has not been filed with the court of the individual's residence or the court which directed immediate custody under subsection 2 of section 25-03.1-25, giving notice to the court and stating in detail the circumstances and facts of the case.
- ~~2.3.~~ Upon receipt of the petition and notice of the emergency detention, the magistrate shall set a date for a preliminary hearing, if the respondent is alleged to be ~~a person~~ an individual who is mentally ill or ~~a person~~ an individual who is ~~both~~ mentally ill and has a substance use disorder, or a treatment hearing, if the respondent is alleged to be ~~a person~~ an individual who has a substance use disorder, to be held no later than four days, exclusive of weekends and holidays, after detention unless the ~~person~~ individual has been released as ~~a person~~ an individual not requiring

treatment, has been voluntarily admitted for treatment, has requested or agreed to a continuance, or unless the hearing has been extended by the magistrate for good cause shown. The magistrate shall appoint counsel if one has not been retained by the respondent.