

Introduced by

Senators J. Lee, Larsen, Axness

Representatives Damschen, Weisz, Oversen

1 A BILL for an Act to amend and reenact subsection 3 of section 25-03.1-21, and subsection 1 of
2 section 25-03.1-25 of the North Dakota Century Code, relating to the emergency commitment of
3 mentally ill individuals.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 25-03.1-21 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. If a peace officer, physician either in person or directing an emergency medical
8 services professional, psychiatrist, clinical psychologist, or any mental health
9 professional reasonably believes that the respondent is not complying with an order
10 for alternative treatment, that the alternative treatment is not sufficient to prevent harm
11 or injuries to the respondent or others, and that considerations of time and safety do
12 not allow intervention by a court, the designated professional may cause the
13 respondent to be taken into custody and detained at a treatment facility as provided in
14 subsection 3 of section 25-03.1-25 and, within twenty-four hours, shall file a notice
15 with the court stating the circumstances and factors of the case. The state hospital or
16 public treatment facility must immediately accept, if appropriately screened and
17 medically stable, and a private treatment facility may accept, the respondent on a
18 provisional basis. The superintendent or director shall require an immediate
19 examination of the respondent and, within twenty-four hours after admission, shall
20 either release the respondent subject to the conditions of the original order or file a
21 notice with the court stating in detail the circumstances and factors of the case. The
22 court shall, within forty-eight hours of receipt of the notice of the superintendent or
23 director, after a hearing and based on the evidence presented and other available
24 information:

- 1 a. Release the individual from hospitalization and continue the alternative treatment
- 2 order;
- 3 b. Consider other alternatives to hospitalization, modify its original order, and direct
- 4 the individual to undergo another program of alternative treatment for the
- 5 remainder of the commitment period; or
- 6 c. Enter a new order directing that the respondent remain hospitalized until
- 7 discharged from the hospital under section 25-03.1-30.

8 **SECTION 2. AMENDMENT.** Subsection 1 of section 25-03.1-25 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 1. When a peace officer, physician either in person or directing an emergency medical
- 11 services professional, psychiatrist, psychologist, or mental health professional has
- 12 reasonable cause to believe that an individual is a person requiring treatment and
- 13 there exists a serious risk of harm to that person, other persons, or property of an
- 14 immediate nature that considerations of safety do not allow preliminary intervention by
- 15 a magistrate, the peace officer, physician either in person or directing an emergency
- 16 medical services professional, psychiatrist, psychologist, or mental health
- 17 professional, using the screening process set forth in section 25-03.1-04, may cause
- 18 the person to be taken into custody and detained at a treatment facility as provided in
- 19 subsection 3, and subject to section 25-03.1-26, except that if emergency conditions
- 20 exist that prevent the immediate conveyance of the individual to a public treatment
- 21 facility, a private facility that has adequate resources and capacity to hold that
- 22 individual may hold the individual in anticipation of conveyance to a public treatment
- 23 facility for up to twenty-three hours:
 - 24 a. Without conducting an immediate examination required under section
 - 25 25-03.1-26; and
 - 26 b. Without following notice and hearing requirements for a transfer to another
 - 27 treatment facility required under subsection 3 of section 25-03.1-34.