

STATEMENT OF PURPOSE

RS26689

A mentally ill person who meets statutory criteria for commitment may be committed to the custody of the Department of Health and Welfare pursuant to an application filed in accordance with Title 66, Chapter 3. The commitment process requires the proposed patient to be examined by two (2) designated examiners, at least one (1) of which must be a psychiatrist, physician, or psychologist ("second designated examiner"). The statutory time frames for submitting reports and conducting a hearing are limited. The current form of this statute allows the proposed patient to request a continuance of this hearing. This amendment will also permit the petitioner to seek such a continuance. This change is necessary because at times it is impossible to obtain a second designated examiner within the statutory time frames. Any continuance of the hearing must be based upon good cause, and will still be limited to a period not to exceed five (5) days. This bill maintains procedural protections for the proposed patient while eliminating the situation where, due to the unavailability of a second designated examiner, a commitment proceeding is dismissed although the proposed patient meets criteria for commitment. If the proposed patient still meets criteria, the petition is usually filed again and the process must start anew.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund, or local governments. In accordance with Joint Rule 18, the reason no fiscal impact is projected is while the counties may be responsible for costs during the continuance period, the counties could also be responsible for those same costs if the proceeding is dismissed and refiled. Therefore, the amendment neither involves nor affects any government expenditure or revenue.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).