

Summary of Proposed Changes to §§ 66-326, -329

Objectives

- 1) Clarify the detainment and designated examination process within § 66-326. The new § 66-329 will describe the hearing for commitment.
- 2) Codify the “field commitment” process into § 66-326 and out of § 66-329. The field commitment process is an alternate route for emergency treatment that does not involve an initial law enforcement encounter.
- 3) Shorten timelines and delineate “off-ramps” at every stage to ensure no one is kept in custody unless absolutely necessary.
- 4) Adds designated examiners and mental health professionals to the list of individuals able to submit applications for commitment.
- 5) Specify that designated examinations only take place once the individual is in custody. Evaluations in the community are only to ascertain the need for a designated examination after detainment.

Proposed Statute Titles

OLD: § 66-326 – Detention without hearing.

NEW: § 66-326 – Procedures for Emergency Involuntary Detention and Application for Commitment.

NO CHANGE: § 66-329 – Commitment to Department Director Upon Court Order – Judicial Procedure.

Outline of Proposed Statutes

§ 66-326 – Procedures for Emergency Involuntary Detention and Application for Commitment.

- (1) Involuntary Detention and Application for Commitment by a Peace Officer or Qualified Hospital Personnel
- (2) Application for Commitment by Other Persons
- (3) Designated Examination and Setting of Hearing

§ 66-329 – Commitment to Department Director Upon Court Order – Judicial Procedure.

- (1) - (5) Hearing requirements
- (6) – (11) Order for commitment and subsequent review

Summary of Proposed Statutes

OLD	NEW	SUBJECT
§ 66-326	§ 66-326 (1)	Minimal Changes <ul style="list-style-type: none"> • Law enforcement or hospital provider detains an individual in the hospital first, then submits application to the court
§ 66-329 (1)-(5)	§ 66-326 (2)	<ul style="list-style-type: none"> • Authorized mental health professionals to submit commitment applications • Applications are sent to DHW first, then validated in the community by a Designated Examiner • Designated Examiner submits application for detention to court • Court authorizes detention and individual is taken into custody
§ 66-326 (2)-(5) § 66-329 (2)-(5)	§ 66-326 (3)	<ul style="list-style-type: none"> • Streamlined designated examination process
§ 66-329 (6)-(16)	§ 66-329 (1)-(11)	Minimal Changes <ul style="list-style-type: none"> • Commitment hearing and order