

SENATE BILL NO. 564

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

2145S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 632.305, RSMo, and to enact in lieu thereof one new section relating to notarization requirements for certain mental health detentions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 632.305, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 632.305,
3 to read as follows:

632.305. 1. An application for detention for
2 evaluation and treatment may be executed by any adult
3 person, who need not be an attorney or represented by an
4 attorney, including the mental health coordinator, on a form
5 provided by the court for such purpose, and shall allege
6 under oath, without a notarization requirement, that the
7 applicant has reason to believe that the respondent is
8 suffering from a mental disorder and presents a likelihood
9 of serious harm to himself or herself or to others. The
10 application shall specify the factual information on which
11 such belief is based and should contain the names and
12 addresses of all persons known to the applicant who have
13 knowledge of such facts through personal observation.

14 2. The filing of a written application in court by any
15 adult person, who need not be an attorney or represented by
16 an attorney, including the mental health coordinator, shall
17 authorize the applicant to bring the matter before the court
18 on an ex parte basis to determine whether the respondent

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 should be taken into custody and transported to a mental
20 health facility. The application may be filed in the court
21 having probate jurisdiction in any county where the
22 respondent may be found. If the court finds that there is
23 probable cause, either upon testimony under oath or upon a
24 review of affidavits, **declarations, or other supporting**
25 **documentation**, to believe that the respondent may be
26 suffering from a mental disorder and presents a likelihood
27 of serious harm to himself or herself or others, it shall
28 direct a peace officer to take the respondent into custody
29 and transport him or her to a mental health facility for
30 detention for evaluation and treatment for a period not to
31 exceed ninety-six hours unless further detention and
32 treatment is authorized pursuant to this chapter. Nothing
33 herein shall be construed to prohibit the court, in the
34 exercise of its discretion, from giving the respondent an
35 opportunity to be heard.

36 3. A mental health coordinator may request a peace
37 officer to take or a peace officer may take a person into
38 custody for detention for evaluation and treatment for a
39 period not to exceed ninety-six hours only when such mental
40 health coordinator or peace officer has reasonable cause to
41 believe that such person is suffering from a mental disorder
42 and that the likelihood of serious harm by such person to
43 himself or herself or others is imminent unless such person
44 is immediately taken into custody. Upon arrival at the
45 mental health facility, the peace officer or mental health
46 coordinator who conveyed such person or caused him or her to
47 be conveyed shall either present the application for
48 detention for evaluation and treatment upon which the court
49 has issued a finding of probable cause and the respondent
50 was taken into custody or complete an application for

51 initial detention for evaluation and treatment for a period
52 not to exceed ninety-six hours which shall be based upon his
53 or her own personal observations or investigations and shall
54 contain the information required in subsection 1 of this
55 section.

56 4. If a person presents himself or herself or is
57 presented by others to a mental health facility and a
58 licensed physician, a registered professional nurse or a
59 mental health professional designated by the head of the
60 facility and approved by the department for such purpose has
61 reasonable cause to believe that the person is mentally
62 disordered and presents an imminent likelihood of serious
63 harm to himself or herself or others unless he or she is
64 accepted for detention, the licensed physician, the mental
65 health professional or the registered professional nurse
66 designated by the facility and approved by the department
67 may complete an application for detention for evaluation and
68 treatment for a period not to exceed ninety-six hours. The
69 application shall be based on his or her own personal
70 observations or investigation and shall contain the
71 information required in subsection 1 of this section.

72 5. [Any oath required by the provisions of this
73 section] **No notarization shall be required for an**
74 **application or any affidavits, declarations, or other**
75 **documents supporting an application. The application and**
76 **any affidavits, declarations, or other documents supporting**
77 **the application** shall be subject to the provisions of
78 section 492.060 **allowing for declaration under penalty of**
79 **perjury.**

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