

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 707

5 By: Senator B. Pritchard
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For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING INVOLUNTARY
9 COMMITMENTS OF PERSONS ADDICTED TO ALCOHOL AND DRUGS;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12 TO AMEND ARKANSAS LAW CONCERNING
13 INVOLUNTARY COMMITMENTS OF PERSONS
14 ADDICTED TO ALCOHOL AND DRUGS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 20-64-821 is amended to read as follows:

22 20-64-821. Initial hearing – Determination – Evaluation.

23 (a) In each case a hearing shall be set by the court within five (5)
24 days, excluding weekends and holidays, of the filing of a petition for
25 involuntary commitment, with a request for continued detention or for
26 involuntary commitment with a request for immediate detention.

27 (b)(1)(A) A person named in a petition for involuntary commitment
28 shall undergo an evaluation within twenty-four (24) hours of the filing of
29 the petition.

30 (B)(i) Except as provided in subdivision (b)(1)(C) of this
31 section, the evaluation shall be conducted by a contractor with the Office of
32 Alcohol and Drug Abuse Prevention.

33 (ii) The Office of Alcohol and Drug Abuse Prevention
34 shall assign contractors to conduct evaluations under this subdivision
35 (b)(1).

36 (iii) The Office of Alcohol and Drug Abuse



1 Prevention shall assume the cost of the evaluation.

2 (C)(i) If a person named in a petition for involuntary
 3 commitment declines an evaluation by a contractor with the Office of Alcohol
 4 and Drug Abuse Prevention under subdivision (b)(1)(B) of this section, the
 5 person shall undergo an evaluation by a qualified professional of his or her
 6 choosing.

7 (ii) The person named in the petition for
 8 involuntary commitment shall assume the cost of an evaluation by a qualified
 9 professional of his or her choosing.

10 (2)(A) The person conducting the evaluation under subdivision
 11 (b)(1) of this section shall provide a copy of the evaluation to the person
 12 named in the petition for involuntary commitment and the prosecuting
 13 attorney.

14 (B)(i) The prosecuting attorney shall provide a copy to
 15 the court.

16 (ii) The court shall consider the contents of the
 17 evaluation as part of its determination of whether the standards for
 18 involuntary commitment apply to the person.

19 ~~(b)(c)~~ The person named in the original petition may be removed from
 20 the presence of the court upon finding that his or her conduct before the
 21 court is so disruptive that proceedings cannot be reasonably continued with
 22 him or her present.

23 ~~(e)(d)~~ The petitioner shall appear before the probate judge to
 24 substantiate the petition. The court shall make a determination based upon
 25 clear and convincing evidence that the standards for involuntary commitment
 26 apply to the person. If such a determination is made, the person shall be
 27 remanded to a designated agent of the ~~Bureau~~ Office of Alcohol and Drug Abuse
 28 Prevention or the designated receiving facility for treatment for a period of
 29 up to twenty-one (21) days.

30 ~~(d)(e)~~ Every person remanded for treatment shall have an evaluation
 31 within forty-eight (48) hours of detention.

32 ~~(e)(f)~~ A copy of the court order committing the person to the
 33 designated receiving facility for treatment shall be forwarded to the
 34 designated receiving facility within five (5) working days.

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