



ARIZONA HOUSE OF REPRESENTATIVES

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First Regular Session

Senate: HHS DPA 7-0-0-0 | 3rd Read 24-3-3-0

SB 1604: licensed secure health facility; defendants

Sponsor: Senator Angius, LD 30

Committee on Health & Human Services

Overview

Instructs patients, found dangerous and incompetent to stand trial who are court ordered to involuntary treatment, to be placed in a licensed secure health facility if the court finds that placement in a secure state mental health facility is not feasible. Prohibits these patients from being treated at a secure behavioral health residential facility (SBHRF) that treats patients who are civilly committed to treatment at the SBHRF.

History

Effective January 1, 2024, if, after a defendant is found incompetent to stand trial, a factfinder finds that the defendant is dangerous and should be involuntarily committed to treatment, the court must dismiss the charges against the defendant without prejudice and commit the defendant to a secure state mental health facility ([Laws 2022, Chapter 352](#) and A.R.S. § [13-4521](#)).

The court may approve a patient, who is unwilling or unable to accept voluntary treatment, for placement in an SBHRF if it finds by clear and convincing evidence that a proposed patient, as a result of mental disorder, is a danger to self or others or has a persistent, acute or grave disability and is in need of treatment (A.R.S. §§ [36-540](#) and [36-550.09](#)).

A secure state mental health facility is licensed by the Department of Health Services (DHS) to provide secure 24-hour on-site supportive treatment and supervision by staff with behavioral health training for persons who have been determined to be seriously mentally ill, chronically resistant to treatment for a mental disorder and who are placed in the SBHRF pursuant to court order (A.R.S. §§ [13-4504](#) and [36-425.06](#)).

Provisions

1. Requires the court to order defendants who are found dangerous and incompetent to stand trial, and who should be involuntarily committed for treatment, to the custody of DHS for placement in a licensed secure health facility if the court determines that commitment to a secure state mental health facility is not feasible. (Sec. 2)
2. Forbids patients who are civilly placed in an SBHRF by court order from being treated at an SBHRF that treats patients who are committed to treatment after being found dangerous and incompetent to stand trial in a criminal proceeding. (Sec. 3)
3. Makes conforming changes. (Sec. 1-2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note