

CIVIL COMMITMENT REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Phil Lyman

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to temporary civil commitment.

Highlighted Provisions:

This bill:

- ▶ includes a physician assistant and nurse practitioner on the list of individuals who may evaluate, or make travel arrangements for, an individual to be temporarily civilly committed; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-15-629, as last amended by Laws of Utah 2020, Chapter 225

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-15-629** is amended to read:

62A-15-629. Temporary commitment -- Requirements and procedures.

(1) An adult shall be temporarily, involuntarily committed to a local mental health authority upon:

(a) a written application that:

30 (i) is completed by a responsible individual who has reason to know, stating a belief
31 that the adult, due to mental illness, is likely to pose substantial danger to self or others if not
32 restrained and stating the personal knowledge of the adult's condition or circumstances that
33 lead to the individual's belief; and

34 (ii) includes a certification by a licensed physician, licensed physician assistant,
35 licensed nurse practitioner, or designated examiner stating that the physician, physician
36 assistant, nurse practitioner, or designated examiner has examined the adult within a three-day
37 period immediately preceding that certification, and that the physician, physician assistant,
38 nurse practitioner, or designated examiner is of the opinion that, due to mental illness, the adult
39 poses a substantial danger to self or others; or

40 (b) a peace officer or a mental health officer:

41 (i) observing an adult's conduct that gives the peace officer or mental health officer
42 probable cause to believe that:

43 (A) the adult has a mental illness; and

44 (B) because of the adult's mental illness and conduct, the adult poses a substantial
45 danger to self or others; and

46 (ii) completing a temporary commitment application that:

47 (A) is on a form prescribed by the division;

48 (B) states the peace officer's or mental health officer's belief that the adult poses a
49 substantial danger to self or others;

50 (C) states the specific nature of the danger;

51 (D) provides a summary of the observations upon which the statement of danger is
52 based; and

53 (E) provides a statement of the facts that called the adult to the peace officer's or
54 mental health officer's attention.

55 (2) If at any time a patient committed under this section no longer meets the
56 commitment criteria described in Subsection (1), the local mental health authority or the local
57 mental health authority's designee shall document the change and release the patient.

58 (3) A patient committed under this section may be held for a maximum of 24 hours
59 after commitment, excluding Saturdays, Sundays, and legal holidays, unless:

60 (a) as described in Section 62A-15-631, an application for involuntary commitment is
61 commenced, which may be accompanied by an order of detention described in Subsection
62 62A-15-631(4); or

63 (b) the patient makes a voluntary application for admission.

64 (4) Upon a written application described in Subsection (1)(a) or the observation and
65 belief described in Subsection (1)(b)(i), the adult shall be:

66 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
67 public safety; and

68 (b) transported for temporary commitment to a facility designated by the local mental
69 health authority, by means of:

70 (i) an ambulance, if the adult meets any of the criteria described in Section 26-8a-305;

71 (ii) an ambulance, if a peace officer is not necessary for public safety, and
72 transportation arrangements are made by a physician, physician assistant, nurse practitioner,
73 designated examiner, or mental health officer;

74 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
75 location where the individual to be committed is present, if the individual is not transported by
76 ambulance;

77 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the law
78 enforcement authority described in Subsection (4)(b)(iii) and the individual is not transported
79 by ambulance; or

80 (v) nonemergency secured behavioral health transport as that term is defined in Section
81 26-8a-102.

82 (5) Notwithstanding Subsection (4):

83 (a) an individual shall be transported by ambulance to an appropriate medical facility
84 for treatment if the individual requires physical medical attention;

85 (b) if an officer has probable cause to believe, based on the officer's experience and

86 de-escalation training that taking an individual into protective custody or transporting an
87 individual for temporary commitment would increase the risk of substantial danger to the
88 individual or others, a peace officer may exercise discretion to not take the individual into
89 custody or transport the individual, as permitted by policies and procedures established by the
90 officer's law enforcement agency and any applicable federal or state statute, or case law; and

91 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual
92 into protective custody or transport an individual, the officer shall document in the officer's
93 report the details and circumstances that led to the officer's decision.

94 (6) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
95 This section does not create a special duty of care.