

REFERENCE TITLE: mandatory mental health evaluation; admission

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2376

Introduced by
Representative Campbell

AN ACT

AMENDING SECTION 36-525, ARIZONA REVISED STATUTES; RELATING TO THE MENTAL HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-525, Arizona Revised Statutes, is amended to
3 read:

4 36-525. Apprehension and transportation by peace officers;
5 mandatory application; immunity

6 A. A peace officer shall on the advice of the admitting officer of the
7 evaluation agency pursuant to section 36-524, subsection E apprehend and
8 transport a person to an evaluation agency.

9 B. IF A PEACE OFFICER HAS CONTACT WITH A PERSON WHO POSSESSES A
10 FIREARM AND THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON
11 AS A RESULT OF MENTAL ILLNESS IS A DANGER TO SELF OR OTHERS, PERSISTENTLY OR
12 ACUTELY DISABLED, OR GRAVELY DISABLED, THE PEACE OFFICER SHALL SUBMIT AN
13 APPLICATION FOR A COURT-ORDERED EVALUATION PURSUANT TO SECTION 36-520 OR, IF
14 APPROPRIATE, EMERGENCY ADMISSION PURSUANT TO SECTION 36-524. IF A PEACE
15 OFFICER SUBMITS AN APPLICATION PURSUANT TO THIS SUBSECTION, THE PEACE OFFICER
16 SHALL TEMPORARILY SEIZE THE FIREARM.

17 ~~B.~~ C. In those instances in which the procedures ~~set forth~~ PRESCRIBED
18 in section 36-524 are not available, a peace officer may take into custody
19 any individual he has probable cause to believe, based on his own
20 observations, is, as a result of mental disorder, a danger to self or others,
21 and that during the time necessary to complete the prepetition screening
22 procedures set forth in sections 36-520 and 36-521 the person is likely
23 without immediate hospitalization to suffer serious physical harm or serious
24 illness or to inflict serious physical harm on another person. The peace
25 officer shall transport the person to a screening agency unless the person's
26 condition or the agency's location or hours makes such transportation
27 impractical, in which event the person shall be transported to an evaluation
28 agency. A peace officer is not ~~held~~ civilly liable for any acts committed by
29 a person whom the peace officer has not taken into custody pursuant to this
30 section.

31 ~~C.~~ D. If apprehension takes place on or about the premises of the
32 apprehended person, the officer shall take reasonable precautions to
33 safeguard the premises and the property thereon, unless such property and
34 premises are in the possession of a responsible relative or guardian.

35 ~~D.~~ E. A peace officer who makes a good faith effort to follow the
36 requirements of this section is not subject to civil liability.