

REFERENCE TITLE: court-ordered evaluations; peace officers

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2105

Introduced by
Representative Kavanagh

AN ACT

AMENDING SECTION 36-525, ARIZONA REVISED STATUTES; RELATING TO COURT-ORDERED EVALUATIONS.

(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 immunity

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

9 B. In those instances in which the procedures set forth in section
10 36-524 are not available, a peace officer may take into custody any
11 individual ~~he~~ **THE PEACE OFFICER** has probable cause to believe, ~~based on his~~
12 ~~own observations~~, is, as a result of mental disorder, a danger to self or
13 others, and that during the time necessary to complete the prepetition
14 screening procedures set forth in sections 36-520 and 36-521 the person is
15 likely without immediate hospitalization to suffer serious physical harm or
16 serious illness or to inflict serious physical harm on another person. The
17 peace officer shall transport the person to a screening agency unless the
18 person's condition or the agency's location or hours makes such
19 transportation impractical, in which event the person shall be transported to
20 an evaluation agency. A peace officer is not held civilly liable for any
21 acts committed by a person whom the peace officer has not taken into custody
22 pursuant to this section.

23 C. If apprehension takes place on or about the premises of the
24 apprehended person, the officer shall take reasonable precautions to
25 safeguard the premises and the property thereon, unless such property and
26 premises are in the possession of a responsible relative or guardian.

27 D. A peace officer who makes a good faith effort to follow the
28 requirements of this section is not subject to civil liability.

29 Sec. 2. Emergency

30 This act is an emergency measure that is necessary to preserve the
31 public peace, health or safety and is operative immediately as provided by
32 law.