

Senate Engrossed

mental disorders; considerations; involuntary treatment

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 225

SENATE BILL 1059

AN ACT

AMENDING TITLE 36, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-521.01; RELATING TO COURT-ORDERED EVALUATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 5, article 4, Arizona Revised
3 Statutes, is amended by adding section 36-521.01, to read:

4 36-521.01. Considerations for screening, evaluation and
5 involuntary treatment

6 A. A PERSON WHO HAS A SUBSTANCE USE DISORDER WITHOUT ANY
7 CO-OCCURRING MENTAL DISORDER MAY NOT BE CONSIDERED FOR INVOLUNTARY
8 TREATMENT PURSUANT TO ARTICLE 5 OF THIS CHAPTER. A PERSON WHO INITIALLY
9 PRESENTS WITH IMPAIRMENTS CONSISTENT WITH BOTH A MENTAL DISORDER AND A
10 SUBSTANCE USE DISORDER IS ELIGIBLE FOR SCREENING AND EVALUATION PURSUANT
11 TO THIS ARTICLE, AND THAT PERSON MAY BE ELIGIBLE FOR INVOLUNTARY TREATMENT
12 PURSUANT TO ARTICLE 5 OF THIS CHAPTER IF, AFTER CONSIDERING THE PERSON'S
13 HISTORY, AN APPROPRIATE ASSESSMENT OF THE PERSON'S CURRENT PRESENTATION,
14 AND A REASONABLE PERIOD OF TIME TO RULE OUT SUBSTANCE ABUSE AS THE PRIMARY
15 CAUSE OF THE ALLEGED BEHAVIOR, THE PERSON'S PRESENTATION IS CONSISTENT
16 WITH A MENTAL DISORDER THAT WOULD BENEFIT FROM TREATMENT.

17 B. A PERSON WHO HAS AN INTELLECTUAL DISABILITY MAY NOT BE
18 CONSIDERED FOR INVOLUNTARY TREATMENT PURSUANT TO ARTICLE 5 OF THIS CHAPTER
19 UNLESS, IN ADDITION TO THE INTELLECTUAL DISABILITY, THE PERSON HAS A
20 MENTAL DISORDER THAT WOULD BENEFIT FROM TREATMENT.

21 C. A PERSON WHO PRESENTS WITH DECLINING MENTAL ABILITIES THAT
22 DIRECTLY ACCOMPANY IMPENDING DEATH MAY NOT BE CONSIDERED FOR INVOLUNTARY
23 TREATMENT PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

24 D. A PERSON WITH A CHARACTER OR PERSONALITY DISORDER CHARACTERIZED
25 BY LIFELONG AND DEEPLY INGRAINED ANTISOCIAL BEHAVIOR PATTERNS, INCLUDING
26 SEXUAL BEHAVIORS THAT ARE ABNORMAL AND PROHIBITED BY STATUTE, MAY NOT BE
27 CONSIDERED FOR INVOLUNTARY TREATMENT PURSUANT TO ARTICLE 5 OF THIS CHAPTER
28 UNLESS THE PERSON ALSO HAS A MENTAL DISORDER THAT WOULD BENEFIT FROM
29 TREATMENT.

30 E. THIS SECTION DOES NOT AFFECT ANY TIME FRAMES OTHERWISE
31 PRESCRIBED IN THIS CHAPTER.

APPROVED BY THE GOVERNOR APRIL 14, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2021.