



ARIZONA HOUSE OF REPRESENTATIVES

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Senate: HHS DPA 8-0-0-0 | 3rd Read 29-0-1-0

House: HHS DP 9-0-0-0 | 3rd Read 58-0-2-0

SB 1059: mental disorders; considerations; involuntary treatment

Sponsor: Senator Barto, LD 15

Transmitted to the Governor

Overview

Outlines circumstances in which a person may not be eligible for court-ordered involuntary treatment.

History

Statute defines mental disorder as a substantial disorder of a person's emotional process, thought, cognition or memory and is distinguished from conditions related to: 1) drug abuse, alcoholism and intellectual disability, unless, the person has a mental disorder in addition to these conditions; 2) declining mental abilities accompanying impending death; and 3) character and personality disorders ([A.R.S. § 36-501](#)).

Current law allows any responsible individual to apply for a court-order evaluation of a person who is alleged to be, as a result of a mental disorder, a danger to self or to others or a person with a persistent disability and who is unwilling or unable to undergo voluntary evaluation ([A.R.S. § 36-520](#)). Upon evaluation, a petition for court-ordered treatment may be made and must be accompanied by the affidavits of the two physicians who participated in the evaluation ([A.R.S. § 36-533](#)).

Provisions

1. Allows a person who presents with impairments consistent with both a mental and substance use disorder to be eligible for screening and evaluation for involuntary treatment if, after considering the person's history, an appropriate assessment of the person's presentation and a reasonable time period to rule out substance use as the primary cause of the alleged behavior, the person's presentation is consistent with a mental disorder that would benefit from treatment. (Sec. 1)
2. Prohibits the following from being considered for involuntary treatment:
 - a) A person who has a substance use disorder without a co-occurring mental disorder;
 - b) A person who has an intellectual disability unless the person also has a mental disorder that would benefit from treatment;
 - c) A person who presents declining mental abilities that directly accompany impending death; and
 - d) A person with a character or personality disorder characterized by lifelong and deeply ingrained antisocial behavior patterns unless the person also has a mental disorder that would benefit from treatment. (Sec. 1)
3. Specifies that the above-mentioned provisions do not affect any time frames prescribed in statute. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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