



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR S.B. 1678

secure state mental health facilities

Purpose

An emergency measure that requires secure behavioral health residential facilities (SBHRFs) to keep civilly placed patients in separate SBHRFs from persons committed to SBHRFs as dangerous and incompetent to stand trial in a criminal proceeding.

Background

Beginning January 1, 2024, if a factfinder finds that a defendant is dangerous and should be involuntarily committed to treatment, the court must dismiss the charges against the defendant without prejudice and commit the defendant to a secure state mental health facility ([Laws 2022, Ch. 352](#); [A.R.S. § 13-4521](#)). A court may approve a patient, who is unwilling or unable to accept voluntary treatment, for placement in a SBHRF if it finds by clear and convincing evidence that a proposed patient, as a result of mental disorder, is a danger to self or others or has a persistent, acute or grave disability and is in need of treatment (A.R.S. §§ [36-540](#) and [36-550.09](#)).

A secure state mental health facility is a SBHRF that is licensed by the Department of Health Services to provide secure 24 hour on-site supportive treatment and supervision by staff with behavioral health training for persons who have been determined to be seriously mentally ill, chronically resistant to treatment for a mental disorder and who are placed in the SBHRF pursuant to court order (A.R.S. §§ [13-4501](#) and [36-425.06](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits SBHRFs that provide services to patients civilly placed in the SBHRF by court order from providing services to any other individuals.
2. Prohibits SBHRFs that provide services to persons committed to the SBHRF by a court order finding the person dangerous and incompetent to stand trial from providing services to any other individuals.
3. Requires the Arizona Health Care Cost Containment System to submit separate reports, by September 1 of each year, to the Governor, Legislature and Arizona Supreme Court that include the number of available beds for persons:
 - a) civilly placed in SBHRFs by court order; and
 - b) committed to SBHRFs by court order finding the person dangerous and incompetent to stand trial.
4. Makes technical and conforming changes.

5. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee

- Adds an emergency clause.

Amendments Adopted by Additional Committee of the Whole

- Removes the Arizona State Hospital from the definition of *secure state mental health facility*.

Senate Action

HHS 2/13/24 DPA 7-0-0

Prepared by Senate Research

February 29, 2024

MM/KS/cs