

PROPOSED

SENATE AMENDMENTS TO H.B. 2744

(Reference to House engrossed bill)

1 Page 1, line 5, strike "MAY"

2 Strike lines 23 through 37, insert:

3 "Sec. 2. Section 36-520, Arizona Revised Statutes, is amended to
4 read:

5 36-520. Application for evaluation; definition

6 A. Any responsible individual may apply for a court-ordered
7 evaluation of a person who is alleged to be, as a result of a mental
8 disorder, a danger to self or to others or a person with a persistent or
9 acute disability or a grave disability and who is unwilling or unable to
10 undergo a voluntary evaluation. The application shall be made in the
11 prescribed form and manner as adopted by the director.

12 B. The application for evaluation shall include the following data:

13 1. The name, and address if known, of the proposed patient for whom
14 evaluation is applied.

15 2. The age, date of birth, sex, race, marital status, occupation,
16 social security number, present location, dates and places of previous
17 hospitalizations, names and addresses of the guardian, spouse, next of kin
18 and significant other persons and other data that the director may require
19 on the form to whatever extent that this data is known and is applicable to
20 the proposed patient.

21 3. The name, address and relationship of the person who is applying
22 for the evaluation.

23 4. A statement that the proposed patient is believed to be, as a
24 result of a mental disorder, a danger to self or to others or a patient
25 with a persistent or acute disability or a grave disability and the facts
26 on which this statement is based.

1 5. A statement that the applicant believes the proposed patient is
2 in need of supervision, care and treatment and the facts on which this
3 statement is based.

4 C. The application shall be signed and notarized.

5 D. The screening agency shall offer assistance to the applicant in
6 preparation of the application. On receipt of the application, the
7 screening agency shall act as prescribed in section 36-521 within
8 forty-eight hours ~~of~~ AFTER the filing of the application, excluding
9 weekends and holidays. If the application is not acted ~~upon~~ ON within
10 forty-eight hours, the reasons for not acting promptly shall be reviewed by
11 the director of the screening agency or the director's designee.

12 E. If the applicant for the court-ordered evaluation presents the
13 person to be evaluated at the screening agency, the agency shall conduct a
14 prepetition screening examination. Except in the case of an emergency
15 evaluation, the person to be evaluated shall not be detained or forced to
16 undergo prepetition screening against the person's will.

17 F. If the applicant for the court-ordered evaluation does not
18 present the person to be evaluated at the screening agency, the agency
19 shall conduct the prepetition screening at the home of the person to be
20 evaluated or any other place the person to be evaluated is found. If
21 prepetition screening is not possible, the screening agency shall proceed
22 as PRESCRIBED in section 36-521, subsection B.

23 G. If a person is being treated by prayer or spiritual means alone
24 in accordance with the tenets and practices of a recognized church or
25 religious denomination by a duly accredited practitioner of that church or
26 denomination, ~~such~~ THE person may not be ordered evaluated, detained or
27 involuntarily treated unless the court has determined that the person is,
28 as a result of mental disorder, a danger to others or to self.

29 H. Court-ordered evaluation or treatment pursuant to this chapter
30 does not operate to change the legal residence of a patient.

31 I. If the application is not acted on because it has been determined
32 that the proposed patient does not need an evaluation, the agency after a

1 period of six months shall destroy the application and any other evidence
2 of the application.

3 J. IF THE SCREENING AGENCY DETERMINES THAT THE APPLICATION SHOULD BE
4 DENIED OR IF THE APPLICATION IS ACCEPTED BUT THE SCREENING AGENCY DECLINES
5 TO FILE A PETITION FOR COURT-ORDERED EVALUATION, THE SCREENING AGENCY SHALL
6 COMPLY WITH THE REQUIREMENTS OF SECTION 36-521, SUBSECTION C. IF THE
7 SCREENING OF THE PROPOSED PATIENT TOOK PLACE IN A FACILITY OPERATED BY THE
8 SCREENING AGENCY, THE SCREENING AGENCY SHALL ATTEMPT TO NOTIFY THE
9 APPLICANT THAT THE SCREENING AGENCY INTENDS TO RELEASE THE PROPOSED
10 PATIENT. THE SCREENING AGENCY SHALL DOCUMENT THE TIME AND METHOD OF THE
11 NOTIFICATION OR AN UNSUCCESSFUL ATTEMPT TO NOTIFY THE APPLICANT. IF
12 REQUESTED BY THE APPLICANT, THE MEDICAL DIRECTOR OF THE SCREENING AGENCY OR
13 THE MEDICAL DIRECTOR'S DESIGNEE SHALL PROVIDE THE REASON FOR THE DENIAL OF
14 THE APPLICATION OR THE DECISION NOT TO FILE A PETITION FOR COURT-ORDERED
15 EVALUATION IF EITHER:

16 1. THE DISCLOSURE IS NOT OPPOSED BY THE PERSON WHO WAS SCREENED.

17 2. THE PERSON WHO WAS SCREENED IS DEEMED TO LACK CAPACITY TO MAKE
18 THE DECISION TO ALLOW THE DISCLOSURE AND THE DISCLOSURE IS DEEMED TO BE IN
19 THE PERSON'S BEST INTEREST.

20 ~~J.~~ K. For the purposes of this section, "person" includes a person
21 who:

22 1. Is under eighteen years of age.

23 2. Has been transferred to the criminal division of the superior
24 court pursuant to section 8-327 or who has been charged with an offense
25 pursuant to section 13-501.

26 3. Is under the supervision of an adult probation department."

27 Amend title to conform

SALLY ANN GONZALES

2744GONZALES.docx
03/14/2024
02:15 PM
C: MH