



# ARIZONA HOUSE OF REPRESENTATIVES

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House: HHS DPA 10-1-0-1 | 3rd Read 47-8-5-0

Final Read: 26-3-1-0 | Chapter: 113

## **SB 1604: licensed secure health facility; defendants**

**Sponsor: Senator Angius, LD 30**

**Signed by the Governor**

### **Overview**

Prohibits patients who are civilly placed in a secure behavioral health residential facility (SBHRF) by court order from being treated at an SBHRF that treats patients who are committed to treatment after being found dangerous and incompetent to stand trial in a criminal proceeding.

### **History**

Effective January 1, 2024, if, after a defendant is found incompetent to stand trial, a factfinder finds that the 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, Chapter 352](#) and A.R.S. § [13-4521](#)).

The court may approve a patient, who is unwilling or unable to accept voluntary treatment, for placement in an 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 licensed by the Department of Health Services (DHS) 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. §§ [13-4504](#) and [36-425.06](#)).

### **Provisions**

1. Forbids patients who are civilly placed in an SBHRF by court order from being treated at an SBHRF that treats patients who are committed to treatment after being found dangerous and incompetent to stand trial in a criminal proceeding. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note