

REFERENCE TITLE: **authorized transporters**

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2404

Introduced by
Representative Willoughby

AN ACT

AMENDING SECTIONS 36-503.02 AND 36-523, ARIZONA REVISED STATUTES; RELATING TO MENTAL HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-503.02, Arizona Revised Statutes, is amended
3 to read:

4 36-503.02. Apprehension and transportation by authorized
5 transporters; immunity

6 A. When in any section of articles 4 and 5 of this chapter, a
7 court, a person, an evaluation agency or a mental health treatment agency
8 is allowed to authorize, request or order the apprehension and
9 transportation of a patient or proposed patient by a peace officer to an
10 evaluation agency or mental health treatment agency, the court, person,
11 evaluation agency or mental health treatment agency may authorize the
12 apprehension and transportation by an authorized transporter if available
13 in the city, town or county if there are reasonable grounds to believe
14 that the patient or proposed patient may be safely apprehended and
15 transported by an authorized transporter ~~without the assistance of a peace~~
16 ~~officer~~.

17 B. Any person who provides a court, a person, an evaluation agency
18 or a mental health treatment agency authorized to request or order the
19 apprehension and transportation of a patient or proposed patient with
20 facts and circumstances or expresses an opinion that there may be
21 reasonable grounds to believe a patient or proposed patient may be safely
22 apprehended and transported to an evaluation agency or mental health
23 treatment agency by an authorized transporter ~~without the assistance of a~~
24 ~~peace officer~~, the court, the person, the evaluation agency or the mental
25 health treatment agency that authorizes the use of an authorized
26 transporter and the authorized transporter that apprehends and transports
27 the patient or proposed patient to an evaluation agency or mental health
28 treatment agency pursuant to an authorization, request or order issued
29 under this chapter are not subject to civil liability for the apprehension
30 or transportation. This liability exclusion does not apply to a person
31 who acts with gross negligence.

32 C. This chapter does not require a city, town or county to contract
33 with an authorized transporter to provide services pursuant to this
34 chapter ~~instead of a peace officer~~. A city, town or county that enters
35 into a contract with an authorized transporter is financially responsible
36 for the contracted services provided pursuant to this chapter by the
37 authorized transporter.

38 D. For the purposes of this chapter, an evaluation agency or mental
39 health treatment agency authorizing the use of an authorized transporter
40 is not financially responsible for the use of the authorized transporter.

41 Sec. 2. Section 36-523, Arizona Revised Statutes, is amended to
42 read:

43 36-523. Petition for evaluation

44 A. The petition for evaluation shall contain the following:

1 1. The name, address and interest in the case of the individual who
2 applied for the petition.

3 2. The name, and address if known, of the proposed patient for whom
4 evaluation is petitioned.

5 3. The present whereabouts of the proposed patient, if known.

6 4. A statement alleging that there is reasonable cause to believe
7 that the proposed patient has a mental disorder and is as a result a
8 danger to self or others, has a persistent or acute disability or a grave
9 disability and is unwilling or unable to undergo voluntary evaluation.

10 5. A summary of the facts that support the allegations that the
11 proposed patient is dangerous, has a persistent or acute disability or a
12 grave disability and is unwilling or unable to be voluntarily evaluated,
13 including the facts that brought the proposed patient to the screening
14 agency's attention.

15 6. If the petition is filed by a prosecutor pursuant to section
16 13-4517, any known criminal history of the proposed patient, including
17 whether the proposed patient has ever been found incompetent to stand
18 trial pursuant to section 13-4510.

19 7. A statement of any facts and circumstances that lead the
20 petitioner to believe that the proposed patient may be safely transported
21 to the evaluation agency by an authorized transporter, if available in the
22 jurisdiction, ~~without the assistance of a peace officer.~~

23 8. ~~The petition shall state~~ The names and contact information of
24 any persons known who witnessed the behavior exhibited by the proposed
25 patient on which the petition is based. The agency may not decline to
26 process a petition for court-ordered evaluation because no witnesses
27 acquainted with the proposed patient have been identified.

28 9. Other information that the director by rule or the court by rule
29 or order may require.

30 B. The petition shall request that the court issue an order
31 requiring that the proposed patient be given an evaluation and shall
32 advise the court of both of the following:

33 1. That the opinion of the petitioner is either that the proposed
34 patient is or is not in such a condition that without immediate or
35 continuing hospitalization the patient is likely to suffer serious
36 physical harm or further deterioration or inflict serious physical harm on
37 another person.

38 2. If the opinion of the petitioner is that the proposed patient is
39 not in the condition described in paragraph 1 of this subsection, that the
40 opinion of the petitioner is either that the evaluation should or should
41 not take place on an outpatient basis.

42 C. For a petition filed pursuant to sections 36-520 and 36-521:

43 1. The petition for evaluation shall be accompanied by the
44 application for evaluation, by the recommendation of the county attorney
45 pursuant to section 36-521 and by a prepetition screening report, unless

1 the documents have not been prepared under a provision of law or in
2 accordance with an order of the court. The petition for evaluation shall
3 also be accompanied by a copy of the application for emergency admission
4 if one exists.

5 2. The petition and other forms required in a court may be filed
6 only by the screening agency that has prepared the petition.

7 3. If the petition is prepared but not filed because it has been
8 determined that the person no longer needs an evaluation, the medical
9 director of the agency shall make a written statement of the reasons why
10 the evaluation was determined to be no longer necessary and shall retain
11 the petition together with the medical director's statement and the
12 various reports annexed to the petition as required by this section.

13 4. If the petition is not filed because it has been determined that
14 the person does not need an evaluation and a prosecutor filed a petition
15 pursuant to section 13-4517, the person shall be remanded for a
16 disposition pursuant to section 13-4517. If the person is out of custody,
17 the court may order that the person be taken into custody for a
18 disposition pursuant to this section.