

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2523

By Representative(s) Committee

9 **Amend by striking all after the enacting clause and inserting**
10 **in lieu thereof the following:**

11

12 SECTION 1. Section 41-21-67, Mississippi Code of 1972, is
13 amended as follows:

14 41-21-67. (1) Whenever such affidavit as is provided for
15 in Section 41-21-65 shall be filed with the chancery clerk, the
16 clerk, upon direction of the chancellor of the court, shall issue
17 a writ directed to the sheriff of the proper county to take into
18 his custody the person alleged to be in need of treatment and to
19 bring such person before the clerk or chancellor, who shall order
20 pre-evaluation screening and treatment by the appropriate
21 community mental health center established pursuant to Section
22 41-19-31 and for examination as set forth in Section
23 41-21-69. * * * However, * * * when such affidavit fails to set
24 forth factual allegations and witnesses sufficient to support the
25 need for treatment, the chancellor shall refuse to direct issuance
26 of the writ. Reapplication may be made to the chancellor. If a
27 pauper's affidavit is filed by a guardian for commitment of the
28 ward of the guardian, the court shall determine if the ward is a
29 pauper and if such ward is determined to be a pauper, the county
30 of the residence of the respondent shall bear the costs of
31 commitment, unless funds for such purposes are made available by

32the state.

33 (2) Upon issuance of the writ the chancellor shall forthwith
34appoint and summon two (2) reputable, licensed physicians or one
35(1) such physician and a psychologist to conduct a physical and
36mental examination of such person at a place to be designated by
37said clerk or chancellor and to report their findings to said
38clerk or chancellor. In all counties wherein there is a county
39health officer, such county health officer, if available, may be
40one (1) of the physicians so appointed. Neither of the physicians
41or any psychologist selected shall be related to such person in
42any way, nor have any direct or indirect interest in the estate of
43such person nor shall any full-time staff of residential treatment
44facilities operated directly by the Department of Mental Health
45serve as examiner.

46 (3) The clerk shall ascertain whether the respondent is
47represented by an attorney, and if it is determined that
48respondent does not have an attorney the clerk shall immediately
49notify the chancellor of such fact, and if the chancellor
50determines that respondent for any reason does not have the
51services of an attorney, the chancellor shall forthwith appoint an
52attorney for the respondent at the time the examiners are
53appointed.

54 (4) If the chancellor determines that there is probable
55cause to believe that the respondent is mentally ill and that
56there is no reasonable alternative to detention, the chancellor
57may order that the respondent be retained as an emergency patient
58at any available regional mental health facility or any other
59available suitable location as the court may so designate pending
60an admission hearing and may, if necessary, order a peace officer
61or other person to transport the respondent to such mental health
62facility or suitable location. Any respondent so retained may be
63given such treatment by a licensed physician as is indicated by
64standard medical practice. * * * However, the respondent shall
65not be held in a hospital operated directly by the Department of
66Mental Health; and shall not be held in jail unless the court

67 finds that there is no reasonable alternative.

68 (5) Whenever a licensed physician or psychologist certified
69 to complete examinations for the purpose of commitment has reason
70 to believe that a person poses an immediate substantial likelihood
71 of physical harm to himself or others or is gravely disabled and
72 unable to care for himself by virtue of mental illness, as defined
73 in Section 41-21-61(e), then the physician or psychologist may
74 hold the person or the physician may admit the person to and treat
75 the person in a licensed medical facility, without a civil order
76 or warrant for a period not to exceed seventy-two (72) hours or
77 the end of the next business day of the chancery clerk's office.
78 Such person may be held and treated as an emergency patient at any
79 licensed medical facility, available regional mental health
80 facility, or crisis intervention center. The physician or
81 psychologist who holds the person shall certify in writing the
82 reasons for the need for holding. Any respondent so held may be
83 given such treatment by a licensed physician as indicated by
84 standard medical practice. Persons acting in good faith in
85 connection with the detention of a person believed to be mentally
86 ill shall incur no liability, civil or criminal, for such acts.

87 SECTION 2. This act shall take effect and be in force from
88 and after July 1, 2000.