

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 75

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

HOUSE BILL 2307

AN ACT

AMENDING SECTION 36-539, ARIZONA REVISED STATUTES; RELATING TO COURT-ORDERED TREATMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-539, Arizona Revised Statutes, is amended to
3 read:

4 36-539. Conduct of hearing; record; transcript

5 A. The medical director of the EVALUATION agency shall issue
6 instructions to the physicians or the psychiatric and mental health nurse
7 practitioner OF THE EVALUATION AGENCY WHO IS treating the proposed patient to
8 take all reasonable precautions to ensure that at the time of the hearing the
9 proposed patient shall not be so under the influence of or so suffer the
10 effects of drugs, medication or other treatment as to be hampered in
11 preparing for or participating in the hearing. IF THE PROPOSED PATIENT IS
12 BEING TREATED AS AN INPATIENT BY THE EVALUATION AGENCY, the court at the time
13 of the hearing shall be presented a record of all drugs, medication or other
14 treatment that the person has received during the seventy-two hours
15 immediately before the hearing.

16 B. The patient and the patient's attorney shall be present at all
17 hearings, and the patient's attorney may subpoena and cross-examine witnesses
18 and present evidence. The patient may choose to not attend the hearing or
19 the patient's attorney may waive the patient's presence. The evidence
20 presented by the petitioner or the patient shall include the testimony of two
21 or more witnesses acquainted with the patient at the time of the alleged
22 mental disorder, which may be satisfied by a statement agreed on by the
23 parties, and testimony of the two physicians who participated in the
24 evaluation of the patient, which may be satisfied by stipulating to the
25 admission of the evaluating physicians' affidavits as required pursuant to
26 section 36-533, subsection B. The physicians shall testify as to their
27 personal observations of the patient. They shall also testify as to their
28 opinions concerning whether the patient is, as a result of mental disorder, a
29 danger to self or to others, OR has a persistent or acute disability or a
30 grave disability and as to whether the patient requires treatment. Such
31 testimony shall state specifically the nature and extent of the danger to
32 self or to others, the persistent or acute disability or the grave
33 disability. If the patient has a grave disability, the physicians shall
34 testify concerning the need for guardianship or conservatorship, or both, and
35 whether or not the need is for immediate appointment. Other persons who have
36 participated in the evaluation of the patient or, if further treatment was
37 requested by a mental health treatment agency, persons of that agency who are
38 directly involved in the care of the patient shall testify at the request of
39 the court or of the patient's attorney. Witnesses shall testify as to
40 placement alternatives appropriate and available for the care and treatment
41 of the patient. The clinical record of the patient for the current admission
42 shall be available and may be presented in full or in part as evidence at the
43 request of the court, the county attorney or the patient's attorney.

44 C. If the patient, for medical OR PSYCHIATRIC reasons, is unable to be
45 present at the hearing and ~~the hearing cannot be conducted where the patient~~

1 ~~is being treated or confined~~ CANNOT APPEAR BY OTHER REASONABLY FEASIBLE
2 MEANS, the court shall require clear and convincing evidence that the patient
3 is unable to be present at the hearing and on such a finding may proceed with
4 the hearing in the patient's absence.

5 D. The requirements of subsection B of this section are in addition to
6 all rules of evidence and the Arizona rules of civil procedure, not
7 inconsistent with subsection B of this section.

8 E. A verbatim record of all proceedings under this section shall be
9 made by stenographic means by a court reporter if a written request for a
10 court reporter is made by any party to the proceedings at least twenty-four
11 hours in advance of such proceedings. If stenographic means are not
12 requested in the manner provided by this subsection, electronic means shall
13 be directed by the presiding judge. The stenographic notes or electronic
14 tape shall be retained as provided by statute.

15 F. A patient who has been ordered to undergo treatment may request a
16 certified transcript of the hearing. To obtain a copy, the patient shall pay
17 for a transcript or shall file an affidavit that the patient is without means
18 to pay for a transcript. If the affidavit is found true by the court, the
19 expense of the transcript is a charge on the county in which the proceedings
20 were held, or, if an intergovernmental agreement by the counties has required
21 evaluation in a county other than that of the patient's residence, such
22 expense may be charged to the county of the patient's residence or in which
23 the patient was found before evaluation.

APPROVED BY THE GOVERNOR MARCH 26, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2015.

Passed the House February 23, 2015

Passed the Senate March 23, 2015

by the following vote: 58 Ayes,

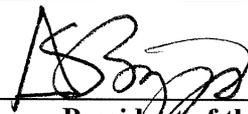
by the following vote: 27 Ayes,

0 Nays, 2 Not Voting

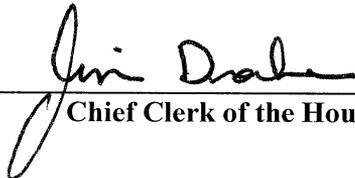
1 Nays, 2 Not Voting



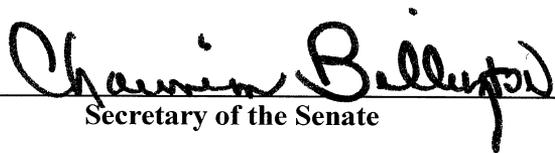
Speaker of the House



President of the Senate



Chief Clerk of the House



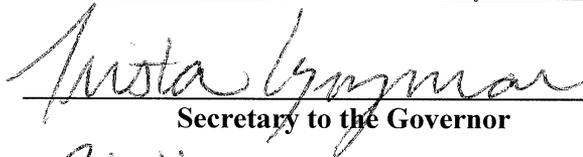
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

24th day of March, 20 15

at 12:10 o'clock P. M.

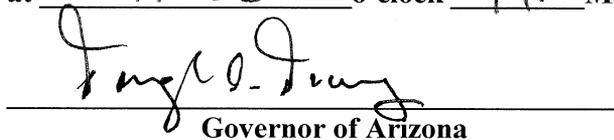


Secretary to the Governor

Approved this 26th day of

March

at 11:50 o'clock A. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27th day of March, 20 15

at 9:00 o'clock A. M.



Secretary of State

H.B. 2307