

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 244

# SENATE BILL 1060

AN ACT

AMENDING SECTION 13-3994, ARIZONA REVISED STATUTES; AMENDING SECTION 13-3994, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 1 OF THIS ACT; AMENDING SECTION 13-4512, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1999, CHAPTER 255, SECTION 5; AMENDING TITLE 36, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-503.03; AMENDING LAWS 1999, CHAPTER 255, SECTION 8; AMENDING LAWS 1999, CHAPTER 255, SECTION 9; PROVIDING FOR THE DELAYED REPEAL OF SECTION 36-503.03, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE HOSPITAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3994, Arizona Revised Statutes, is amended to  
3 read:

4 13-3994. Commitment; hearing; jurisdiction; definition

5 A. A person who is found guilty except insane pursuant to section  
6 13-502 shall be committed to a secure state mental health facility under the  
7 department of health services for a period of treatment.

8 B. If the criminal act of the person committed pursuant to subsection  
9 A of this section did not cause the death or serious physical injury of or  
10 the threat of death or serious physical injury to another person, the court  
11 shall set a hearing date within seventy-five days after the person's  
12 commitment to determine if the person is entitled to release from confinement  
13 or if the person meets the standards for civil commitment pursuant to title  
14 36, chapter 5. The court shall notify the medical director of the mental  
15 health facility, the attorney general, the county attorney, the victim and  
16 the attorney representing the person, if any, of the date of the hearing.  
17 Fourteen days before the hearing the director of the mental health facility  
18 shall submit to the court a report addressing the person's mental health and  
19 dangerousness.

20 C. At a hearing held pursuant to subsection B of this section:

21 1. If the person proves by clear and convincing evidence that the  
22 person no longer suffers from a mental disease or defect and is not  
23 dangerous, the court shall order the person's release and the person's  
24 commitment ordered pursuant to section 13-502, subsection D shall terminate.  
25 Before determining to release a person pursuant to this paragraph, the court  
26 shall consider the entire criminal history of the person and shall not order  
27 the person's release if the court determines that the person has a propensity  
28 to reoffend.

29 2. If the court finds that the person still suffers from a mental  
30 disease or defect, may present a threat of danger to self or others, is  
31 gravely disabled, is persistently or acutely disabled or has a propensity to  
32 reoffend, it shall order the county attorney to institute civil commitment  
33 proceedings pursuant to title 36 and the person's commitment ordered pursuant  
34 to section 13-502, subsection D shall terminate.

35 D. If the court finds that the criminal act of the person committed  
36 pursuant to subsection A of this section caused the death or serious physical  
37 injury of or the threat of death or serious physical injury to another  
38 person, the court shall place the person under the jurisdiction of the  
39 psychiatric security review board. The court shall state the beginning date,  
40 length and ending date of the board's jurisdiction over the person. The  
41 length of the board's jurisdiction over the person is equal to the sentence  
42 the person could have received pursuant to section 13-703, subsection A or  
43 section 13-707 or the presumptive sentence the defendant could have received  
44 pursuant to section 13-604, section 13-604.01, section 13-701, subsection C,  
45 section 13-710 or section 13-1406. In making this determination the court

1 shall not consider the sentence enhancements for prior convictions under  
2 section 13-604.

3 E. A person who is placed under the jurisdiction of the psychiatric  
4 security review board pursuant to subsection D of this section is not  
5 eligible for discharge from the board's jurisdiction until the board's  
6 jurisdiction over the person expires.

7 F. A person who is placed under the jurisdiction of the psychiatric  
8 security review board pursuant to subsection D of this section is not  
9 entitled to a hearing before the board earlier than one hundred twenty days  
10 after the person's initial commitment. A request for a subsequent release  
11 hearing may be made pursuant to subsection G of this section. After the  
12 hearing, the board may take one of the following actions:

13 1. If the psychiatric security review board finds that the person  
14 still suffers from a mental disease or defect and is dangerous, the person  
15 shall remain committed at the secure state mental health facility.

16 2. If the person proves by clear and convincing evidence that the  
17 person no longer suffers from a mental disease or defect and is not  
18 dangerous, the psychiatric security review board shall order the person's  
19 release. The person shall remain under the jurisdiction of the board. Before  
20 determining to release a person pursuant to this paragraph, the board shall  
21 consider the entire criminal history of the person and shall not order the  
22 person's release if the board determines that the person has a propensity to  
23 reoffend.

24 3. If the psychiatric security review board finds that the person  
25 still suffers from a mental disease or defect or that the mental disease or  
26 defect is in stable remission but the person is no longer dangerous, the  
27 board shall order the person's conditional release. The person shall remain  
28 under the board's jurisdiction. The board in conjunction with the state  
29 mental health facility and behavioral health community providers shall  
30 specify the conditions of the person's release. The board shall continue to  
31 monitor and supervise a person who is released conditionally. Before the  
32 conditional release of a person, a supervised treatment plan shall be in  
33 place, including the necessary funding to implement the plan.

34 G. A person who is placed under the jurisdiction of the psychiatric  
35 security review board pursuant to subsection D of this section may not seek  
36 a new release hearing earlier than twenty months after a prior release  
37 hearing, except that the medical director of the state mental health facility  
38 may request a new release hearing for a person under the jurisdiction of the  
39 psychiatric security review board at any time. The person shall not be held  
40 in confinement for more than two years without a hearing before the board to  
41 determine if the person should be released or conditionally released.

42 H. At any hearing for release or conditional release pursuant to this  
43 section:

44 1. Public safety and protection are primary.

1           2. The applicant has the burden of proof by clear and convincing  
2 evidence.

3           I. At least fifteen days before a hearing is scheduled to consider a  
4 person's release, or before the expiration of the board's jurisdiction over  
5 the person, the state mental health facility or supervising agency shall  
6 submit to the psychiatric security review board a report on the person's  
7 mental health. The psychiatric security review board shall determine whether  
8 to release the person or to order the county attorney to institute civil  
9 commitment proceedings pursuant to title 36.

10           J. The procedures for civil commitment govern the continued commitment  
11 of the person after the expiration of the jurisdiction of the psychiatric  
12 security review board.

13           K. Before a person is released or conditionally released, at least  
14 three of the five psychiatric security review board members shall vote for  
15 the release or conditional release.

16           L. If at any time while the person remains under the jurisdiction of  
17 the psychiatric security review board it appears to the board, the chairman,  
18 or the vice-chairman of the board or the medical director of the state mental  
19 health facility that the person has failed to comply with the terms of the  
20 person's conditional release or that the mental health of the person has  
21 deteriorated, the board, the chairman, or the vice-chairman of the board for  
22 good cause or the medical director of the state mental health facility may  
23 order that the person be returned to a secure state mental health facility  
24 for evaluation or treatment. A written order of the board, the chairman, or  
25 the vice-chairman of the board or the medical director is sufficient warrant  
26 for any law enforcement officer to take the person into custody and to  
27 transport the person accordingly. Any sheriff or other peace officer shall  
28 execute the order and shall immediately notify the board of the person's  
29 return to the facility. Within twenty days after the person's return to a  
30 secure state mental health facility the board shall conduct a hearing and  
31 shall give notice within five days before the hearing of the time and place  
32 of the hearing to the person, the victim, the attorney representing the  
33 person, the county attorney and the attorney general.

34           M. The director of a facility that is providing treatment to a person  
35 on conditional release or any other person who is responsible for the  
36 supervision of the person may take the person or request that the person be  
37 taken into custody if there is reasonable cause to believe that the person's  
38 mental health has deteriorated to the point that the person's conditional  
39 release should be revoked and that the person is in need of immediate care,  
40 custody or treatment or that deterioration is likely because of noncompliance  
41 with a treatment program. A person who is taken into custody pursuant to  
42 this subsection shall be transported immediately to a secure state mental  
43 health facility and shall have the same rights as any person appearing before  
44 the psychiatric security review board.

1 N. Before the initial hearing or any other hearing before the  
2 psychiatric security review board on the release or conditional release of  
3 the person, the person, the attorney who is representing the person and the  
4 attorney general or county attorney who is representing the state may choose  
5 a psychiatrist licensed pursuant to title 32, chapter 13 or 17 or a  
6 psychologist licensed pursuant to title 32, chapter 19.1 to examine the  
7 person. All costs in connection with the examination shall be approved and  
8 paid by the county of the sentencing court. The written examination results  
9 shall be filed with the board and shall include an opinion as to:

10 1. The mental condition of the person.

11 2. Whether the person is dangerous.

12 O. Notwithstanding subsection N of this section, the board or the  
13 chairman of the board for good cause may order an independent mental health  
14 evaluation by a psychiatrist licensed pursuant to title 32, chapter 13 or 17  
15 or a psychologist licensed pursuant to title 32, chapter 19.1. The written  
16 examination results shall be filed with the board pursuant to subsection N  
17 of this section.

18 P. IF A PERSON IS FOUND GUILTY EXCEPT INSANE PURSUANT TO SECTION  
19 13-502, THE DEPARTMENT OF HEALTH SERVICES SHALL ASSUME CUSTODY OF THE PERSON  
20 WITHIN TEN DAYS AFTER RECEIVING THE ORDER COMMITTING THE PERSON PURSUANT TO  
21 SUBSECTION A OF THIS SECTION. IF THE ARIZONA STATE HOSPITAL REACHES ITS  
22 LICENSED CAPACITY FOR EITHER OR BOTH ADULT MALE OR ADULT FEMALE FORENSIC  
23 PROGRAMS, THE DEPARTMENT OF HEALTH SERVICES MAY DEFER THE ADMISSION OF THE  
24 PERSON FOUND GUILTY EXCEPT INSANE FOR UP TO AN ADDITIONAL TWENTY DAYS. THE  
25 DEPARTMENT OF HEALTH SERVICES SHALL REIMBURSE THE COUNTY FOR THE ACTUAL COSTS  
26 OF EACH DAY THE ADMISSION IS DEFERRED. IF THE DEPARTMENT OF HEALTH SERVICES  
27 IS NOT ABLE TO ADMIT THE PERSON FOUND GUILTY EXCEPT INSANE AT THE CONCLUSION  
28 OF THE TWENTY DAY DEFERRAL PERIOD, THE DEPARTMENT OF HEALTH SERVICES SHALL  
29 NOTIFY THE SENTENCING COURT, THE PROSECUTOR AND THE DEFENSE COUNSEL OF THIS  
30 FACT. ON RECEIPT OF THIS NOTIFICATION, THE PROSECUTOR OR THE PERSON'S DEFENSE  
31 COUNSEL MAY REQUEST A HEARING TO DETERMINE THE LIKELY LENGTH OF TIME  
32 ADMISSION WILL CONTINUE TO BE DEFERRED AND WHETHER ANY OTHER ACTION SHOULD  
33 BE TAKEN. ON RECEIPT OF THE REQUEST FOR HEARING, THE COURT SHALL SET A  
34 HEARING WITHIN TEN DAYS.

35 P- Q. For the purposes of this section, "state mental health  
36 facility" means a secure state mental health facility under the department  
37 of health services.

38 Sec. 2. Section 13-3994, Arizona Revised Statutes, as amended by  
39 section 1 of this act, is amended to read:

40 13-3994. Commitment; hearing; jurisdiction; definition

41 A. A person who is found guilty except insane pursuant to section  
42 13-502 shall be committed to a secure state mental health facility under the  
43 department of health services for a period of treatment.

1           B. If the criminal act of the person committed pursuant to subsection  
2 A of this section did not cause the death or serious physical injury of or  
3 the threat of death or serious physical injury to another person, the court  
4 shall set a hearing date within seventy-five days after the person's  
5 commitment to determine if the person is entitled to release from confinement  
6 or if the person meets the standards for civil commitment pursuant to title  
7 36, chapter 5. The court shall notify the medical director of the mental  
8 health facility, the attorney general, the county attorney, the victim and  
9 the attorney representing the person, if any, of the date of the hearing.  
10 Fourteen days before the hearing the director of the mental health facility  
11 shall submit to the court a report addressing the person's mental health and  
12 dangerousness.

13           C. At a hearing held pursuant to subsection B of this section:

14           1. If the person proves by clear and convincing evidence that the  
15 person no longer suffers from a mental disease or defect and is not  
16 dangerous, the court shall order the person's release and the person's  
17 commitment ordered pursuant to section 13-502, subsection D shall terminate.  
18 Before determining to release a person pursuant to this paragraph, the court  
19 shall consider the entire criminal history of the person and shall not order  
20 the person's release if the court determines that the person has a propensity  
21 to reoffend.

22           2. If the court finds that the person still suffers from a mental  
23 disease or defect, may present a threat of danger to self or others, is  
24 gravely disabled, is persistently or acutely disabled or has a propensity to  
25 reoffend, it shall order the county attorney to institute civil commitment  
26 proceedings pursuant to title 36 and the person's commitment ordered pursuant  
27 to section 13-502, subsection D shall terminate.

28           D. If the court finds that the criminal act of the person committed  
29 pursuant to subsection A of this section caused the death or serious physical  
30 injury of or the threat of death or serious physical injury to another  
31 person, the court shall place the person under the jurisdiction of the  
32 psychiatric security review board. The court shall state the beginning date,  
33 length and ending date of the board's jurisdiction over the person. The  
34 length of the board's jurisdiction over the person is equal to the sentence  
35 the person could have received pursuant to section 13-703, subsection A or  
36 section 13-707 or the presumptive sentence the defendant could have received  
37 pursuant to section 13-604, section 13-604.01, section 13-701, subsection C,  
38 section 13-710 or section 13-1406. In making this determination the court  
39 shall not consider the sentence enhancements for prior convictions under  
40 section 13-604.

41           E. A person who is placed under the jurisdiction of the psychiatric  
42 security review board pursuant to subsection D of this section is not  
43 eligible for discharge from the board's jurisdiction until the board's  
44 jurisdiction over the person expires.

1 F. A person who is placed under the jurisdiction of the psychiatric  
2 security review board pursuant to subsection D of this section is not  
3 entitled to a hearing before the board earlier than one hundred twenty days  
4 after the person's initial commitment. A request for a subsequent release  
5 hearing may be made pursuant to subsection G of this section. After the  
6 hearing, the board may take one of the following actions:

7 1. If the psychiatric security review board finds that the person  
8 still suffers from a mental disease or defect and is dangerous, the person  
9 shall remain committed at the secure state mental health facility.

10 2. If the person proves by clear and convincing evidence that the  
11 person no longer suffers from a mental disease or defect and is not  
12 dangerous, the psychiatric security review board shall order the person's  
13 release. The person shall remain under the jurisdiction of the board. Before  
14 determining to release a person pursuant to this paragraph, the board shall  
15 consider the entire criminal history of the person and shall not order the  
16 person's release if the board determines that the person has a propensity to  
17 reoffend.

18 3. If the psychiatric security review board finds that the person  
19 still suffers from a mental disease or defect or that the mental disease or  
20 defect is in stable remission but the person is no longer dangerous, the  
21 board shall order the person's conditional release. The person shall remain  
22 under the board's jurisdiction. The board in conjunction with the state  
23 mental health facility and behavioral health community providers shall  
24 specify the conditions of the person's release. The board shall continue to  
25 monitor and supervise a person who is released conditionally. Before the  
26 conditional release of a person, a supervised treatment plan shall be in  
27 place, including the necessary funding to implement the plan.

28 G. A person who is placed under the jurisdiction of the psychiatric  
29 security review board pursuant to subsection D of this section may not seek  
30 a new release hearing earlier than twenty months after a prior release  
31 hearing, except that the medical director of the state mental health facility  
32 may request a new release hearing for a person under the jurisdiction of the  
33 psychiatric security review board at any time. The person shall not be held  
34 in confinement for more than two years without a hearing before the board to  
35 determine if the person should be released or conditionally released.

36 H. At any hearing for release or conditional release pursuant to this  
37 section:

38 1. Public safety and protection are primary.

39 2. The applicant has the burden of proof by clear and convincing  
40 evidence.

41 I. At least fifteen days before a hearing is scheduled to consider a  
42 person's release, or before the expiration of the board's jurisdiction over  
43 the person, the state mental health facility or supervising agency shall  
44 submit to the psychiatric security review board a report on the person's  
45 mental health. The psychiatric security review board shall determine whether

1 to release the person or to order the county attorney to institute civil  
2 commitment proceedings pursuant to title 36.

3 J. The procedures for civil commitment govern the continued commitment  
4 of the person after the expiration of the jurisdiction of the psychiatric  
5 security review board.

6 K. Before a person is released or conditionally released, at least  
7 three of the five psychiatric security review board members shall vote for  
8 the release or conditional release.

9 L. If at any time while the person remains under the jurisdiction of  
10 the psychiatric security review board it appears to the board, the chairman,  
11 or the vice-chairman of the board or the medical director of the state mental  
12 health facility that the person has failed to comply with the terms of the  
13 person's conditional release or that the mental health of the person has  
14 deteriorated, the board, the chairman, or the vice-chairman of the board for  
15 good cause or the medical director of the state mental health facility may  
16 order that the person be returned to a secure state mental health facility  
17 for evaluation or treatment. A written order of the board, the chairman, or  
18 the vice-chairman of the board or the medical director is sufficient warrant  
19 for any law enforcement officer to take the person into custody and to  
20 transport the person accordingly. Any sheriff or other peace officer shall  
21 execute the order and shall immediately notify the board of the person's  
22 return to the facility. Within twenty days after the person's return to a  
23 secure state mental health facility the board shall conduct a hearing and  
24 shall give notice within five days before the hearing of the time and place  
25 of the hearing to the person, the victim, the attorney representing the  
26 person, the county attorney and the attorney general.

27 M. The director of a facility that is providing treatment to a person  
28 on conditional release or any other person who is responsible for the  
29 supervision of the person may take the person or request that the person be  
30 taken into custody if there is reasonable cause to believe that the person's  
31 mental health has deteriorated to the point that the person's conditional  
32 release should be revoked and that the person is in need of immediate care,  
33 custody or treatment or that deterioration is likely because of noncompliance  
34 with a treatment program. A person who is taken into custody pursuant to  
35 this subsection shall be transported immediately to a secure state mental  
36 health facility and shall have the same rights as any person appearing before  
37 the psychiatric security review board.

38 N. Before the initial hearing or any other hearing before the  
39 psychiatric security review board on the release or conditional release of  
40 the person, the person, the attorney who is representing the person and the  
41 attorney general or county attorney who is representing the state may choose  
42 a psychiatrist licensed pursuant to title 32, chapter 13 or 17 or a  
43 psychologist licensed pursuant to title 32, chapter 19.1 to examine the  
44 person. All costs in connection with the examination shall be approved and

1 paid by the county of the sentencing court. The written examination results  
2 shall be filed with the board and shall include an opinion as to:

3 1. The mental condition of the person.

4 2. Whether the person is dangerous.

5 O. Notwithstanding subsection N of this section, the board or the  
6 chairman of the board for good cause may order an independent mental health  
7 evaluation by a psychiatrist licensed pursuant to title 32, chapter 13 or 17  
8 or a psychologist licensed pursuant to title 32, chapter 19.1. The written  
9 examination results shall be filed with the board pursuant to subsection N  
10 of this section.

11 ~~P. If a person is found guilty except insane pursuant to section~~  
12 ~~13-502, the department of health services shall assume custody of the person~~  
13 ~~within ten days after receiving the order committing the person pursuant to~~  
14 ~~subsection A of this section. If the Arizona state hospital reaches its~~  
15 ~~licensed capacity for either or both adult male or adult female forensic~~  
16 ~~programs, the department of health services may defer the admission of the~~  
17 ~~person found guilty except insane for up to an additional twenty days. The~~  
18 ~~department of health services shall reimburse the county for the actual costs~~  
19 ~~of each day the admission is deferred. If the department of health services~~  
20 ~~is not able to admit the person found guilty except insane at the conclusion~~  
21 ~~of the twenty day deferral period, the department of health services shall~~  
22 ~~notify the sentencing court, the prosecutor and the defense counsel of this~~  
23 ~~fact. On receipt of this notification, the prosecutor or the person's~~  
24 ~~defense counsel may request a hearing to determine the likely length of time~~  
25 ~~admission will continue to be deferred and whether any other action should~~  
26 ~~be taken. On receipt of the request for hearing, the court shall set a~~  
27 ~~hearing within ten days.~~

28 ~~Q. P. For the purposes of this section, "state mental health~~  
29 ~~facility" means a secure state mental health facility under the department~~  
30 ~~of health services.~~

31 Sec. 3. Section 13-4512, Arizona Revised Statutes, as amended by Laws  
32 1999, chapter 255, section 5, is amended to read:

33 13-4512. Treatment order; commitment

34 A. The court may order a defendant to undergo outpatient competency  
35 restoration treatment or may commit the defendant for competency restoration  
36 treatment to the Arizona state hospital or any other facility that is  
37 approved by the court. In determining the type and location of the  
38 treatment, the court shall select the least restrictive treatment alternative  
39 after considering the following:

40 1. If confinement is necessary for treatment.

41 2. The likelihood that the defendant is a threat to public safety.

42 B. An order entered pursuant to this section shall state if the  
43 defendant is incompetent to refuse treatment, including medication, pursuant  
44 to section 13-4511.

1 C. A defendant shall pay the cost of inpatient competency restoration  
2 treatment unless otherwise ordered by the court. If the court finds the  
3 defendant is unable to pay all or a portion of the costs of inpatient  
4 treatment, the state shall pay the costs of inpatient competency restoration  
5 treatment at the Arizona state hospital that are incurred until:

6 1. Seven days, excluding Saturdays, Sundays, or other legal holidays,  
7 after the hospital submits a report to the court stating that the defendant  
8 has regained competency or that there is no substantial probability that the  
9 defendant will regain competency within twenty-one months after the date of  
10 the original finding of incompetency.

11 2. The treatment order expires.

12 3. Seven days, excluding Saturdays, Sundays, or other legal holidays,  
13 after the charges are dismissed.

14 D. The county, or the city if the competency proceedings arise out of  
15 a municipal court proceeding, shall pay the hospital costs that are incurred  
16 after the period of time designated in subsection C of this section and shall  
17 also pay for the costs of inpatient competency restoration treatment at other  
18 facilities that are certified by the department of health services as  
19 competency restoration programs IN COURT APPROVED PROGRAMS THAT ARE NOT  
20 PROGRAMS AT THE ARIZONA STATE HOSPITAL.

21 E. Payment for the cost of outpatient community treatment shall be the  
22 responsibility of the defendant unless:

23 1. The defendant is enrolled in a program which covers the treatment  
24 and which has funding available for the provision of treatment to the  
25 defendant, and the defendant is eligible to receive the treatment. Defendants  
26 in these circumstances may be required to share in the cost of the treatment  
27 if cost sharing is required by the program in which the defendant is  
28 enrolled.

29 2. The court finds that the defendant is unable to pay all or a  
30 portion of treatment costs or that outpatient treatment is not otherwise  
31 available to the defendant. For defendants in these circumstances, all or  
32 a portion of the costs of outpatient community treatment shall be borne by  
33 the county or the city if the competency proceedings arise out of a municipal  
34 court proceeding.

35 F. A treatment order issued pursuant to this section is valid for one  
36 hundred eighty days or until one of the following occurs:

37 1. The treating facility submits a report that the defendant has  
38 regained competency or that there is no substantial probability that the  
39 defendant will regain competency within twenty-one months after the date of  
40 the original finding of incompetency.

41 2. The charges are dismissed.

42 3. The maximum sentence for the offense charged has expired.

1           Sec. 4. Title 36, chapter 5, article 1, Arizona Revised Statutes, is  
2 amended by adding section 36-503.03, to read:

3           36-503.03. Civil commitment treatment population; cap

4           THE LEGISLATURE SHALL IDENTIFY IN THE GENERAL APPROPRIATIONS ACT OR  
5 OTHER LEGISLATION THE FUNDED CAPACITY AT THE ARIZONA STATE HOSPITAL FOR ADULT  
6 CIVIL COMMITMENT TREATMENT AND SHALL SEPARATELY IDENTIFY THE FUNDED CAPACITY  
7 FOR ADULT MEN AND ADULT WOMEN. THE ARIZONA STATE HOSPITAL OR THE DEPARTMENT  
8 OF HEALTH SERVICES IS NOT REQUIRED TO PROVIDE CIVIL COMMITMENT TREATMENT THAT  
9 EXCEEDS THE FUNDED CAPACITY. IF THE ARIZONA STATE HOSPITAL REACHES ITS  
10 FUNDED CAPACITY IN EITHER OR BOTH THE ADULT MALE OR ADULT FEMALE CIVIL  
11 COMMITMENT TREATMENT PROGRAMS, THE SUPERINTENDENT OF THE STATE HOSPITAL SHALL  
12 ESTABLISH A WAITING LIST FOR ADMISSION BASED ON THE DATE OF THE COURT ORDER  
13 ISSUED PURSUANT TO THIS SECTION.

14           Sec. 5. Laws 1999, chapter 255, section 8 is amended to read:

15           Sec. 8. Delayed repeal

16           A. Section 36-202.01, Arizona Revised Statutes, ~~as added by this act,~~  
17 is repealed from and after June 30, 2001 2002.

18           B. Section 7 of this act, relating to the restoration to competency  
19 program study, is repealed from and after December 31, 2000.

20           Sec. 6. Laws 1999, chapter 255, section 9 is amended to read:

21           Sec. 9. Effective date

22           Section 13-4512, Arizona Revised Statutes, as amended by Laws 1999,  
23 chapter 255, section 5 and section 3 of this act, is effective from and after  
24 June 30, 2001 2002.

25           Sec. 7. Effective date

26           Section 13-3994, Arizona Revised Statutes, as amended by section 2 of  
27 this act, is effective from and after June 30, 2002.

28           Sec. 8. Delayed repeal

29           Section 36-503.03, Arizona Revised Statutes, as added by this act, is  
30 repealed from and after June 30, 2002.

31           Sec. 9. Retroactivity

32           Sections 5 and 6 of this act are effective retroactively to from and  
33 after June 30, 2001.

APPROVED BY THE GOVERNOR APRIL 25, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2001.

Passed the House April 12, 20 01,

by the following vote: 55 Ayes,

2 Nays, 3 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate January 24, 20 01,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

Approved this \_\_\_\_\_ day of

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

S.B. 1060

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 2001

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

[Signature]

President of the Senate

[Signature]

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of April, 2001,

at 4:00 o'clock P M.

[Signature]  
Secretary to the Governor

APPROVED THIS 25 day of

April, 2001,

at 3:38 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2001,

at 4:45 o'clock PM M.

[Signature]  
Secretary of State

S.B. 1060