



AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSSB 120(ISS)

BY REPRESENTATIVE CLAMAN
KOPP

1 Page 1, line 1, following "Act": *(title amendment)*
2 Insert "establishing an alternative to arrest procedure for persons suffering from
3 an acute behavioral health crisis; relating to emergency detention for mental health
4 evaluation;"

5
6 Page 1, line 2, following "consent;":
7 Insert "relating to licensure of crisis stabilization centers;"

8
9 Page 1, following line 3:
10 Insert new bill sections to read:

11 **** Section 1.** AS 12.25 is amended by adding a new section to read:

12 **Sec. 12.25.031. Alternative to arrest.** (a) As an alternative to arrest, a peace
13 officer may, at the officer's discretion, deliver a person to a crisis stabilization center
14 or an evaluation facility or decline to arrest the person if

15 (1) the arresting officer believes in good faith that the person is
16 suffering from an acute behavioral health crisis; and

17 (2) the person voluntarily agrees to be taken to a crisis stabilization
18 center or an evaluation facility or to promptly seek outpatient mental health treatment.

19 (b) Notwithstanding (a) of this section, a peace officer may, as an alternative
20 to arrest, take a person into emergency custody under AS 47.30.705 and deliver the
21 person to a crisis stabilization center or an evaluation facility.

22 (c) Delivery of a person to a crisis stabilization center or an evaluation facility
23 for examination under (a) of this section does not constitute an involuntary

1 commitment under AS 47.30 or an arrest.

2 (d) Before a person delivered to a crisis stabilization center or an evaluation
3 facility under (a) or (b) of this section is released to the community, a mental health
4 professional shall make reasonable efforts to inform the arresting officer of the
5 planned release if the officer has specifically requested notification and provided the
6 officer's contact information to the crisis stabilization center or evaluation facility.

7 (e) A peace officer is not liable for civil damages arising from an act or
8 omission done with reasonable care and in good faith under this section.

9 (f) An agreement to participate in outpatient treatment or to be delivered to a
10 crisis stabilization center or an evaluation facility under (a) of this section

11 (1) may not require a person to stipulate to any facts regarding the
12 alleged criminal activity as a prerequisite to participation in a mental health treatment
13 alternative;

14 (2) is inadmissible in any criminal or civil proceeding; and

15 (3) does not create immunity from prosecution for the alleged criminal
16 activity.

17 (g) If a person violates an agreement to be delivered to a crisis stabilization
18 center or an evaluation facility or to seek outpatient treatment under (a) of this section,

19 (1) a mental health professional shall make reasonable efforts to
20 inform the arresting officer of the person's decision to leave the crisis stabilization
21 center or evaluation facility; and

22 (2) the original charges may be filed or referred to the prosecutor, as
23 appropriate, and the matter may proceed as provided by law.

24 (h) Notwithstanding the other provisions of this section, charges may be filed
25 or referred to the prosecutor, as appropriate, at any time in accordance with law.

26 (i) In this section,

27 (1) "crisis stabilization center" means a facility licensed under
28 AS 47.32 that meets the definition of "crisis stabilization center" in AS 47.32.900;

29 (2) "evaluation facility" means an evaluation facility as defined in
30 AS 47.30.915;

31 (3) "mental health professional" has the meaning given in

1 AS 47.30.915.

2 * **Sec. 2.** AS 18.65.530(c) is amended to read:

3 (c) A peace officer is not required to make an arrest **of a person** under (a) of
4 this section if the officer has received authorization [NOT TO ARREST] from a
5 prosecuting attorney in the jurisdiction in which the offense under investigation arose

6 **(1) not to arrest the person; or**

7 **(2) to deliver the person to a crisis stabilization center or an**
8 **evaluation facility as provided in AS 12.25.031(b).**

9 * **Sec. 3.** AS 18.65.530 is amended by adding a new subsection to read:

10 (g) A peace officer who delivers a person to a crisis stabilization center or
11 evaluation facility under (c) of this section shall provide the peace officer's contact
12 information to the crisis stabilization center or evaluation facility and, if the peace
13 officer is notified under AS 12.25.031(d) of a planned release of the person, shall
14 make reasonable efforts to inform the victim under (a)(1) and (2) of this section of the
15 planned release.

16 * **Sec. 4.** AS 47.30.705(a) is amended to read:

17 (a) A peace officer, a psychiatrist or physician who is licensed to practice in
18 this state or employed by the federal government, or a clinical psychologist licensed
19 by the state Board of Psychologist and Psychological Associate Examiners who has
20 probable cause to believe that a person is gravely disabled or is suffering from mental
21 illness and is likely to cause serious harm to self or others of such immediate nature
22 that considerations of safety do not allow initiation of involuntary commitment
23 procedures set out in AS 47.30.700, may cause the person to be taken into custody and
24 delivered to the nearest **crisis stabilization center as defined in AS 47.32.900 or the**
25 **nearest** evaluation facility. A person taken into custody for emergency evaluation may
26 not be placed in a jail or other correctional facility except for protective custody
27 purposes and only while awaiting transportation to a **crisis stabilization center or**
28 **treatment facility**. However, emergency protective custody under this section may not
29 include placement of a minor in a jail or secure facility. The peace officer or mental
30 health professional shall complete an application for examination of the person in
31 custody and be interviewed by a mental health professional at the **crisis stabilization**

1 **center, evaluation facility, or treatment** facility.

2 * **Sec. 5.** AS 47.30.710(a) is amended to read:

3 (a) A respondent who is delivered under AS 47.30.700 - 47.30.705 to an
4 evaluation facility, **except for delivery to a crisis stabilization center as defined in**
5 **AS 47.32.900,** for emergency examination and treatment shall be examined and
6 evaluated as to mental and physical condition by a mental health professional and by a
7 physician within 24 hours after arrival at the facility. **A respondent who is delivered**
8 **under AS 47.30.705 to a crisis stabilization center shall be examined by a mental**
9 **health professional as defined in AS 47.30.915 within three hours after arriving at**
10 **the center.**"

11
12 Page 1, line 4:

13 Delete "**Section 1**"

14 Insert "**Sec. 6**"

15
16 Renumber the following bill sections accordingly.

17
18 Page 2, following line 21:

19 Insert new bill sections to read:

20 **** Sec. 7.** AS 47.32.010(b) is amended to read:

21 (b) This chapter and regulations adopted under this chapter apply to the
22 following entities:

- 23 (1) ambulatory surgical centers;
- 24 (2) assisted living homes;
- 25 (3) child care facilities;
- 26 (4) child placement agencies;
- 27 (5) foster homes;
- 28 (6) free-standing birth centers;
- 29 (7) home health agencies;
- 30 (8) hospices, or agencies providing hospice services or operating
- 31 hospice programs;

- 1 (9) hospitals;
- 2 (10) intermediate care facilities for individuals with an intellectual
- 3 disability or related condition;
- 4 (11) maternity homes;
- 5 (12) nursing facilities;
- 6 (13) residential child care facilities;
- 7 (14) residential psychiatric treatment centers;
- 8 (15) runaway shelters;
- 9 (16) rural health clinics;
- 10 **(17) crisis stabilization centers.**

11 * **Sec. 8.** AS 47.32.900 is amended by adding a new paragraph to read:

12 (22) "crisis stabilization center" means

13 (A) a facility, or a part or unit of a facility, that has been

14 designed to evaluate, stabilize, and treat, on a short-term basis and without the

15 use of hospitalization, individuals experiencing an acute behavioral health

16 crisis;

17 (B) a 23-hour crisis stabilization center;

18 (C) a crisis residential center; or

19 (D) a subacute facility.

20 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to

21 read:

22 TRANSITION: LICENSING. Notwithstanding AS 47.32.010(b), as amended by sec.

23 7 of this Act, the Department of Health and Social Services may, before a crisis stabilization

24 center is licensed under AS 47.32.010(b), as amended by sec. 7 of this Act, issue a provisional

25 license to or reimburse the crisis stabilization center under a waiver that is in effect before the

26 effective date of sec. 7 of this Act."

27

28 Renumber the following bill sections accordingly.

29

30 Page 2, line 28:

31 Delete "Section 2"

1 Insert "Section 10"