

FIFTY-SECOND LEGISLATURE
SECOND SESSION, 2016

SB 113/a

January 29, 2016

Mr. President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

SENATE BILL 113

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 14, after "PENALTIES", strike the remainder of the line, strike lines 15 and 16 in their entirety and insert in lieu thereof a period.

2. On page 1, line 21, strike "15" and insert in lieu thereof "14".

3. On page 5, strike lines 20 through 22 in their entirety and insert in lieu thereof:

"R. "surrogate decision-maker" means:

(1) an agent designated by the respondent;

(2) a guardian; or

(3) a treatment guardian; and".

4. On page 8, line 4, strike "shall" and insert in lieu thereof "may".

5. On page 9, line 10, strike "and" and insert in lieu thereof "that".

6. On page 11, lines 22 and 23, strike "for an order authorizing assisted outpatient treatment" and insert in lieu thereof "meeting all requirements of Sections 4 and 5 of the Assisted Outpatient Treatment Act".

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7. On page 12, line 12, strike "and" and insert in lieu thereof a comma.

8. On page 12, line 13, after "any", insert ", and a surrogate decision-maker, if any".

9. On page 12, lines 14 through 17, strike Subsection C in its entirety and insert in lieu thereof:

"C. If the respondent has a surrogate decision-maker who wishes to provide testimony at the hearing, the court shall afford the surrogate decision-maker an opportunity to testify."

10. On page 13, lines 19 and 20, strike "The court shall not order assisted outpatient treatment for the respondent unless a" and insert in lieu thereof "A".

11. On page 13, lines 22 through 24, strike "testifies at the hearing in person or by contemporaneous transmission from a different location. The qualified professional".

12. On page 14, line 1, strike "testimony on" and insert in lieu thereof "in support of".

13. On page 14, lines 20 and 21, strike "The court shall not order assisted outpatient treatment unless a qualified professional provides" and insert in lieu thereof "No later than the date of the hearing, a qualified professional shall provide".

14. On page 16, line 9, strike the end quotation mark.

15. On page 16, between lines 9 and 10, insert the following new subsection:

"E. If the respondent has executed an advance directive for mental health treatment, the qualified professional shall include a copy of such advance directive with the submission of the

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proposed treatment plan."".

16. On page 16, line 13, after "hearing", insert "meeting all requirements of Section 6 of the Assisted Outpatient Treatment Act, receipt of a proposed treatment plan meeting all requirements of Section 7 of that act".

17. On page 16, line 14, strike "shall" and insert in lieu thereof "may".

18. On page 18, lines 2 through 17, strike Subsections F, G and H in their entirety and insert in lieu thereof the following subsection:

"F. If the court has received testimony from a surrogate decision-maker or a copy of an advance directive for mental health treatment executed by the respondent, the treatment order shall not conflict with the preferences expressed in such testimony or advance directive without a showing of good cause."".

19. On page 24, lines 7 through 16, strike Section 15 in its entirety.

20. On pages 34 and 35, strike Section 18 in its entirety.

21. Renumber sections to correspond with these amendments.,

and thence referred to the **JUDICIARY COMMITTEE.**

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Respectfully submitted,

Gerald Ortiz y Pino, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Ivey-Soto, Kernan, Stewart

Absent: None

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