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AN ACT
RELATING TO COMMITMENT PROCEDURES; AMENDING THE
DETOXIFICATION REFORM ACT TO ADD A PUBLIC SERVICE OFFICER AS
AN AUTHORIZED PERSON FOR THE PURPOSE OF REQUESTING COMMITMENT
OF AN INTOXICATED OR INCAPACITATED PERSON TO A TREATMENT
FACILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 43-2-2 NMSA 1978 (being Laws 1977,
Chapter 374, Section 1, as amended) is amended to read:

"43-2-2. DEFINITIONS.--As used in the Detoxification
Reform Act:

A. "alcohol-impaired person" means a person who
uses alcoholic beverages to the extent that the person's
health and well-being are substantially impaired or
endangered;

B. "authorized person" means a physician, public
service officer or police officer;

C. "consistent with the least drastic means
principle" means that the habilitation, protective custody or
treatment and the conditions of habilitation, protective
custody or treatment separately and in combination:

(1) are no more harsh, hazardous or
intrusive than necessary to achieve acceptable treatment
objectives or protection for the person committed; and

1 (2) involve no restrictions on physical
2 movement except as reasonably necessary for the
3 administration of treatment, for the security of the facility
4 or for the protection of the person committed or another from
5 physical injury;

6 D. "department" means the department of health;

7 E. "detention center" means a city, county or
8 other jail, the administration of which agrees to accept
9 intoxicated persons for protective custody; provided,
10 however, that a detention center is authorized to hold a
11 person in protective custody pursuant to Section 43-2-8 NMSA
12 1978 but is not otherwise subject to the provisions of the
13 Detoxification Reform Act;

14 F. "drug-impaired person" means a person who uses
15 drugs to the extent that the person's health and well-being
16 are substantially impaired or endangered;

17 G. "incapacitated person" means a person who, as a
18 result of the use of alcohol or drugs, is unconscious or has
19 the person's judgment otherwise so impaired that the person
20 is incapable of realizing and making rational decisions;

21 H. "intoxicated person" means a person whose
22 mental or physical functioning is substantially impaired as a
23 result of the use of alcohol or drugs;

24 I. "likely to inflict serious physical harm on
25 another" means that it is more likely than not that in the

1 near future the person will inflict serious, unjustified
2 bodily harm on another person or commit a criminal sexual
3 offense as evidenced by behavior causing, attempting or
4 threatening such harm, which behavior gives rise to a
5 reasonable fear of such harm from that person;

6 J. "likely to inflict serious physical harm on
7 oneself" means that it is more likely than not that in the
8 near future the person will attempt to commit suicide or will
9 cause serious bodily harm to that person's self by violent or
10 passive or other self-destructive means as evidenced by
11 behavior causing, attempting or threatening the infliction of
12 serious bodily harm to that person's self;

13 K. "protective custody" means confinement of an
14 intoxicated person, for a period not less than twelve hours
15 or more than seventy-two hours in length and under conditions
16 consistent with the least drastic means principle;

17 L. "public service officer" means a civilian
18 employee within a police department who is authorized by the
19 police department to transport intoxicated or incapacitated
20 persons to a treatment facility or detention center;

21 M. "treatment" means the broad range of emergency,
22 outpatient, intermediate and inpatient services and care,
23 including protective custody, diagnostic evaluation, medical,
24 psychiatric, psychological and social service care,
25 vocational rehabilitation and career counseling, which may be

1 extended to alcohol-impaired, drug-impaired and intoxicated
2 persons; and

3 N. "treatment facility" means:

4 (1) an institution under the supervision of
5 the department and approved by the department for the care
6 and treatment of alcohol-impaired persons or drug-impaired
7 persons;

8 (2) a public institution approved by the
9 department for the care and treatment of alcohol-impaired
10 persons or drug-impaired persons, but not specifically under
11 the supervision of the department; or

12 (3) any other facility that provides any of
13 the services specified in the Detoxification Reform Act and is
14 licensed by the department for those services." _____