

IN THE SENATE

SENATE BILL NO. 1120

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CRISIS RESPONSE FOR PERSONS WITH A NEUROCOGNITIVE DISORDER;
2 AMENDING SECTION 56-1904, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER
3 264, LAWS OF 2024, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT CODE
4 REFERENCES, AND TO REVISE PROVISIONS REGARDING PLACING CERTAIN PERSONS
5 IN PROTECTIVE CUSTODY WITHOUT A HEARING; AND DECLARING AN EMERGENCY AND
6 PROVIDING AN EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 56-1904, Idaho Code, as enacted by Section 1,
10 Chapter 264, Laws of 2024, be, and the same is hereby amended to read as fol-
11 lows:

12 56-1904. PROTECTIVE CUSTODY WITHOUT HEARING. (1) No person shall be
13 taken into protective custody or detained as an alleged emergency patient
14 for observation, diagnosis, evaluation, care or treatment of a neurocogni-
15 tive disorder unless and until the court has ordered such apprehension and
16 custody pursuant to section ~~56-1905~~ 56-2105, Idaho Code; provided, however,
17 that a person may be taken into custody by a peace officer and placed in a
18 hospital, or the person may be detained at a hospital at which the person
19 presented or was brought to receive medical care, if the peace officer or a
20 health care provider in such hospital has reason to believe that person has a
21 neurocognitive disorder and the ~~person is likely to injure~~ person's contin-
22 ued liberty poses an imminent danger to themselves or others; provided, un-
23 der no circumstances shall the person be detained in a nonmedical unit used
24 for the detention of persons charged with or convicted of penal offenses.
25 Whenever a person is taken into custody or detained pursuant to this sec-
26 tion without a court order, the evidence supporting the claim that the per-
27 son with the neurocognitive disorder is ~~likely to injure~~ an imminent danger
28 to themselves or others must be presented to a duly authorized court within
29 twenty-four (24) hours from the time the person was placed in custody or de-
30 tained.

31 (2) If the court finds there is reason to believe the person is likely
32 to have a neurocognitive disorder and ~~likely to injure~~ is imminently danger-
33 ous to themselves or others pursuant to subsection (1) of this section, the
34 court shall issue a temporary protective placement custody order requiring
35 the person to be held in a hospital and requiring an examination of the person
36 by a health care provider in such hospital within twenty-four (24) hours of
37 the entry of the order of the court. Under no circumstances shall the person
38 be detained in a nonmedical unit used for the detention of persons charged
39 with or convicted of penal offenses.

40 (3) Where an examination is required pursuant to subsection (2) of this
41 section, the health care provider in such hospital shall make findings and
42 report to the court within twenty-four (24) hours of the examination.

1 (4) If at any time after the person is placed in protective custody the
2 health care provider in such hospital conducting the examination determines
3 the person no longer meets criteria for protective custody, the person shall
4 be deemed to be a voluntary patient and subject to release.

5 (5) If the health care provider in such hospital finds, in an examina-
6 tion pursuant to this section, that the person is likely to have a neurocog-
7 nitive disorder and is likely to injure themselves or others, the prosecut-
8 ing attorney shall file, within twenty-four (24) hours of the examination
9 of the person, a petition with the court requesting the person's continued
10 protective placement pending review proceedings pursuant to section ~~56-1905~~
11 56-2105, Idaho Code.

12 (6) Upon the receipt of such a petition, the court shall order the per-
13 son's detention to await hearing, which shall be within five (5) days, in-
14 cluding Saturdays, Sundays, and legal holidays, of the protective placement
15 order. If no petition is filed within twenty-four (24) hours of the exami-
16 nation described in subsection (5) of this section, the person shall be re-
17 leased from the protective placement.

18 (7) Upon taking a person into custody, a good faith effort shall be made
19 to provide notice to the person's legal guardian, parent, spouse, or adult
20 next of kin of the person's physical whereabouts and the reasons for taking
21 the person into custody.

22 (8) Nothing in this section shall preclude a hospital from transferring
23 a person who has been detained pursuant to this section to another hospital
24 that is willing to accept the transferred person for purposes of observa-
25 tion, diagnosis, evaluation, care, or treatment.

26 SECTION 2. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2025.