

SENATE FILE NO. SF0034

Involuntary hospitalization-emergency hearings.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to involuntary hospitalization; clarifying
2 provisions relating to representation of the state in
3 emergency detention hearings; and providing for an
4 effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 25-10-109(h) is amended to read:

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10 **25-10-109. Emergency detention.**

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12 (h) When a person is detained in emergency detention
13 and an application for involuntary hospitalization is filed
14 by the county attorney, the court shall appoint an attorney
15 to represent the detained person unless he has his own
16 attorney, and the court shall conduct a hearing within
17 seventy-two (72) hours, excluding Saturdays, Sundays and

1 legal holidays, of the initial detention to determine
2 whether continued detention is required pending involuntary
3 hospitalization proceedings. The county attorney of the
4 county where the application is filed shall appear on
5 behalf of the state at the hearing. Notice of the
6 preliminary hearing shall be given to the county attorney,
7 the detained person and his attorney. The court may delay
8 the hearing only at the request of the detained person or
9 his parent, guardian or his attorney. An emergency
10 detention hearing may be waived at the request of the
11 detained person or the detained person's attorney, except
12 in cases where a licensed physician's assistant was the
13 only examiner for the emergency detention. If an emergency
14 detention hearing has been waived, the court may
15 immediately conduct the involuntary hospitalization
16 hearing, provided that a licensed physician's assistant
17 shall not be the examiner for an involuntary
18 hospitalization hearing.

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20 **Section 2.** This act is effective July 1, 2014.

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22 (END)