



## BILL SUMMARY

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### SF 2352 Mental Health Discharge Notification

Status of Bill: Floor  
Committee: Judiciary  
Floor Manager: Rep. Mertz  
Subcommittee: Mertz, T. Olson, Kaufmann (Grassley)  
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### BACKGROUND

On June 24, 2009, Aplington-Parkersburg head football coach was shot and killed by Mark Becker. Becker was taken to Covenant Medical Center in Waterloo in the early morning of Sunday, June 21, 2009, after leading law enforcement on a high speed chase across several counties. The chase began when witnesses saw Becker vandalizing a house in Cedar Falls. An emergency detention order to hold Becker for up to 48 hours so that his mental health could be evaluated was signed by a magistrate on June 21, 2009. A person can only be held to evaluate the person's mental health for a maximum of 48 hours without an involuntary committal proceeding. No additional paperwork to hold Becker beyond the 48 hours was filed. Law enforcement were to be notified when Becker was released on June 23, 2009. At the time of his release, Becker was facing multiple felony arrests. Becker was discharged on June 23, 2009, and law enforcement were not notified of his release. The next day, June 24, 2009, Becker fatally shot Coach Ed Thomas.

Covenant Medical Center claims that there is no evidence that law enforcement requested to be notified when Becker was released. Covenant said that Becker was never officially under arrest while at the facility. If he had been, a deputy would have had to have been posted while Becker was a patient, which did not happen.

### BILL SUMMARY AS PASSED BY SENATE

- Allows a peace officer to request a magistrate to include notification of law enforcement of the discharge of a person brought in by law enforcement for mental illness when:
  - the magistrate is considering the detention
  - the magistrate files the order for detention
  - in a separate order from the detention proceeding

### AMENDMENT SUMMARY

#### Amendment H-8356 Committee Amendment

- Creates an administrative process for law enforcement to be notified of the discharge of someone taken in for mental health issues if there is no court order. The form must include and the facility must notify:
  - The dispatch number of the law enforcement agency
  - The email of the law enforcement agency
- The Department of Public Safety will create the administrative form

- Creates a civil penalty of \$1,000 for a first offense and \$2,000 for a second and each subsequent offense for not notifying a law enforcement officer when required
- Provides civil and criminal liability protections for anyone complying with the bill

**Amendment H-8405 to Amendment to H-8356 by Mertz**

Clarifies language that a law enforcement officer must retrieve an individual within 6 hours but not to exceed the maximum amount of time prescribed by law for detention (currently 48 hours by code).

Clarifies that liability protections do not apply only if a person was discharged prior to the end of the period of time prescribed (currently 48 hours by code).