

REFERENCE TITLE: tribal courts; involuntary commitment orders

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

# HB 2084

Introduced by  
Representative Farnsworth E

AN ACT

AMENDING SECTION 12-136, ARIZONA REVISED STATUTES; RELATING TO TRIBAL COURTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-136, Arizona Revised Statutes, is amended to  
3 read:

4 12-136. Tribal courts; involuntary commitment orders;  
5 recognition

6 A. Notwithstanding any law to the contrary, an involuntary  
7 commitment order of an Arizona tribal court filed with the clerk of the  
8 superior court shall be recognized and is enforceable by any court of  
9 record in this state, subject to the same procedures, defenses and  
10 proceedings for reopening, vacating or staying as a judgment of the  
11 court. The Arizona supreme court may adopt rules regarding recognition of  
12 tribal court involuntary commitment orders. The state, through the  
13 attorney general, shall be given notice of the filing at the time the  
14 commitment order is filed and shall have five days from receipt of the  
15 written notice of the filing of the order to appear as a party and  
16 respond. A patient committed to a ~~state~~ mental health treatment facility  
17 under this section ~~shall be~~ IS subject to the jurisdiction of the state.

18 B. Decisions regarding discharge or release of a patient committed  
19 pursuant to subsection A OF THIS SECTION shall be made by the facility  
20 providing involuntary treatment. Ten days ~~prior to~~ BEFORE discharge or  
21 release, the ~~state~~ mental health treatment facility shall notify the  
22 tribal court ~~which~~ THAT issued the involuntary commitment order of the  
23 facility's intention to discharge or release a patient. Any necessary  
24 outpatient follow-up and transportation of the patient to the jurisdiction  
25 of the tribal court, within the time set forth in the notice, shall be  
26 provided for in an intergovernmental agreement between the tribe and the  
27 ~~department of health services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

28 C. A MENTAL HEALTH TREATMENT FACILITY MAY ADMIT A PATIENT FOR  
29 INVOLUNTARY TREATMENT PENDING THE FILING OF A TRIBAL COURT'S INVOLUNTARY  
30 COMMITMENT ORDER WITH THE CLERK OF THE SUPERIOR COURT PURSUANT TO  
31 SUBSECTION A OF THIS SECTION. THE MENTAL HEALTH TREATMENT FACILITY MUST  
32 DISCHARGE THE PATIENT IF THE TRIBAL COURT ORDER IS NOT FILED WITH THE  
33 CLERK OF THE SUPERIOR COURT BY THE CLOSE OF BUSINESS ON THE NEXT DAY THAT  
34 THE COURT IS OPEN AFTER THE ADMISSION OF THE PATIENT. IF THE PATIENT IS  
35 DISCHARGED PURSUANT TO THIS SUBSECTION, THE PATIENT SHALL BE TRANSPORTED  
36 TO THE JURISDICTION OF THE TRIBAL COURT IN THE SAME MANNER PROVIDED IN  
37 SUBSECTION B OF THIS SECTION.