

or not they should have been there?

SENATOR CULLAN: The absolute maximum time would be ten days. Under current statutes it is five days, a preliminary hearing must be held within five days, and so this stretches it to ten days. If the individual who is subject to the hearing feels that they cannot adequately prepare their defense in that period of time, then they can ask for a continuance and so at their own request to prepare their own defense they could be held longer than ten days but the maximum that they can be held without their own request is ten.

SENATOR FOWLER: Okay, so they could be in and the county attorney determines whether they should be placed in the institution, initially?

SENATOR CULLAN: That is correct. The county attorney would make that initial determination as to whether or not they should come in with the process.

SENATOR FOWLER: And it could be ten days before any mental health professionals decide whether or not they should be in an institution?

SENATOR CULLAN: No, that is not correct. It would be thirty-six hours before a mental health professional would have to make some kind of determination that they would be held so the most that a county attorney could submit them for would be thirty-six hours.

SENATOR FOWLER: And then a professional...?

SENATOR CULLAN: A professional would have to be involved after thirty-six hours.

SENATOR FOWLER: Thirty-six hours, okay. On the release, the seven days notification prior to release, if the institution decides to release someone and seven day notice is given, how much time then after that seven days does a mental health board have to decide, let's say they decide to have a hearing, how soon do they have to have that hearing?

SENATOR CULLAN: There are no restrictions in the statute. They do not have to have a hearing upon release. That is optional.

SENATOR FOWLER: Okay, let's suppose they choose to have a hearing.