

April 16, 1981

LB 95

SENATOR CULLAN: All right, there is no restriction on when that hearing would be held.

SENATOR FOWLER: Okay, can that person be released anyway?

SENATOR CULLAN: That person can be released anyway, that is correct.

SENATOR FOWLER: So the release does not wait for that second hearing?

SENATOR CULLAN: No, they will be released within seven days unless the mental health commitment board initiates another hearing, and so if the mental health commitment board initiates another hearing within that seven days, then the process starts all over again.

SENATOR FOWLER: Okay, but the person can still be released, correct?

SENATOR CULLAN: That person will still be released.

SENATOR FOWLER: Okay. On the question of whether or not a person is conforming with the taking of medication. Suppose an individual chooses to stop taking the prescribed medication and suppose that there are no problems with their behavior, okay, they stop taking the medication and in fact they may not need to be taking the medication any more. Is the only, let me see if I can phrase this right, can they be re-committed simply because they chose not to take the medication?

SENATOR CULLAN: Absolutely not. That would be forcing an individual to take medication. The same standard must always apply and that is that the individual must be mentally ill and dangerous. The fact that they have stopped taking their medication is simply justification for the mental health commitment board to begin the entire process again but it is not justification or a basis of committing that individual.

SENATOR FOWLER: Okay, so if a person's behavior is not dangerous to themselves or to others, even if they chose not to follow the treatment plan, they would not be committed, is that correct?

SENATOR CULLAN: Absolutely. An individual under this bill or to meet with the constitutional requirements can only be committed civilly if that individual is mentally ill and dangerous, and simply not taking your medication is not sufficient reason to commit a person. They still have to exhibit those tendencies, mentally ill and dangerous.