

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2017 REGULAR SESSION
Unofficial Document

Amend printed copy of **HB 305**

On page 3, line 18, after the word "finds", insert "**by clear and convincing evidence that**";

On page 3, delete lines 26 and 27, and on page 4, delete lines 1 through 5, and insert the following in lieu thereof:

"(b) If, upon completion of the hearing, the court finds that the petitioner did not file the correct paperwork, the court may hold the petition in abeyance for up to fourteen (14) days until the petitioner has the opportunity to file the correct paperwork. If corrected paperwork is filed, the court shall set a new hearing and proceed in accordance with paragraph (a) of this subsection. If corrected paperwork is not filed within fourteen (14) days, the petition shall be dismissed.

(c) If, upon completion of the hearing, the court finds that there is insufficient evidence to order the respondent to undergo treatment, the court may continue the hearing for no more than fourteen (14) days to provide the petitioner an opportunity to gather additional evidence. Additional evidence may be presented at a hearing at which the respondent and respondent's counsel are present within fourteen (14) days of the original hearing. If the court finds that there is still insufficient evidence to order the respondent to undergo treatment or if no additional evidence is presented within fourteen (14) days, the petition shall be dismissed.";

Amendment No. HFA 4

Rep. Rep. McKenzie Cantrell

Committee Amendment

Signed: _____

Floor Amendment

LRC Drafter: Comstock, Katie

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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On page 4, after line 5, insert the following:

"(4) At the request of respondent, the order issued pursuant to subsection (3)(a) of this section may be reviewed after a period of ninety (90) days to determine if the respondent continues to meet the criteria for involuntary treatment established in Section 1 of this Act. If the court finds that the respondent does not continue to meet the criteria, the petition shall be dismissed.";

On page 4, at the beginning of line 6, insert "**(5)**" and bracket and strike through "(4)";

On page 4, line 18, delete "**(5)**" and insert "**(6)**" in lieu thereof;

On page 4, line 23, delete "**(6)**" and insert "**(7)**" in lieu thereof;

On page 5, delete lines 23 through 27, and on page 6, delete lines 1 and 2, and insert the following in lieu thereof:

"If the respondent does not appear and participate in treatment as ordered under Section 3 of this Act, the treatment program shall immediately notify the court and present it with a report detailing the factual basis of the noncompliance. If the court finds that the report establishes by a preponderance of the evidence that the respondent has failed to comply with the court's order for treatment, the court shall schedule a contempt hearing and issue a summons for the respondent to appear at the hearing. If the court finds the respondent has willfully failed to comply with the court's order, the court may order the respondent held in jail until transported to the treatment program as provided in Section 6 of this Act. A person alleged to be or found in contempt for violation of an order issued pursuant to KRS 222.430 to 222.437 shall not be sentenced to or held in jail for a period in excess of seven (7) days."; and

On page 7, line 16, after "**shall be**" insert "**available to the respondent and his or her counsel but shall otherwise be**".