

sorts of problems because early on in the first thirty-six hours at least two mental health professionals would evaluate this person. The hearing calls for a board of three people and Senator Cullan goes back to just one psychiatrist or a doctor. It doesn't even have to be a psychiatrist, just a medical doctor and a county attorney can keep someone committed in an institution for a week. I think that is excessive. Certainly Senator Cullan's other amendments clean up other problems that exist in the bill but by adopting the Cullan amendment and passing 95 we once again endanger the whole civil mental health commitment process because we are forcing people to spend a week in our institutions on the word of one psychiatrist or one mental health professional, a doctor, a psychiatrist or psychologist, and one county attorney without any sort of formal hearing and that is an excessive period of time. For that reason I oppose Senator Cullan's amendment and would oppose the bill on Final Reading if adopted. We are throwing the whole mental health commitment thing back into the courts. We are doing, I think, far more damage with this bill than the previous bill and I think that we ought to exercise some caution or restraint before adopting the amendment and before passing 95.

SENATOR CULLAN: Mr. President.

PRESIDENT: Yes, Senator Cullan, will you close then.

SENATOR CULLAN: Yes. In closing, Mr. President, Senator Fowler would have you believe that the courts are going to throw out the entire Mental Health Commitment Act because we are making a total change of two days. The current Mental Health Commitment Act allows for an individual to be held without a hearing for five days. This is going to allow an individual to be held without a hearing for seven days. Now I guess I don't understand what is so excessive about that but one thing I do understand is that the case which Senator Fowler referred to, I'm not sure how you pronounce it, Doremus vs. Farrell, something like this, held the old commitment act unconstitutional for many, many reasons, one of which was the lack to have a preliminary hearing but in addition they held that commitment act unconstitutional because there was a failure to require that the subject be dangerous to himself or to others as evidence by recent overt acts. We have a standard, a mental health commitment standard that we are not changing. It also held that act unconstitutional because it failed to require effective and timely notice of the charges under which a person was allegedly, had to be committed. So there were many, many reasons that the