

Senate Engrossed

~~secure state mental health facilities~~  
(now: secure behavioral health residential facilities)

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SENATE BILL 1678

AN ACT

AMENDING SECTION 36-425.06, ARIZONA REVISED STATUTES; RELATING TO  
DANGEROUS AND INCOMPETENT PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-425.06, Arizona Revised Statutes, is amended  
3 to read:

4 36-425.06. Secure behavioral health residential facilities;  
5 license; annual reports; definition

6 A. The department shall license secure behavioral health  
7 residential facilities to provide secure twenty-four-hour on-site  
8 supportive treatment and supervision by staff with behavioral health  
9 training for persons who have been determined to be seriously mentally  
10 ill, who are chronically resistant to treatment for a mental disorder and  
11 who are placed in the facility pursuant to a court order issued pursuant  
12 to section 36-550.09 or who have been committed pursuant to a court order  
13 issued pursuant to section 13-4521. ~~A secure behavioral health~~

14 ~~residential facility may provide services only to persons placed in or~~  
15 ~~committed to the facility pursuant to a court order issued pursuant to~~  
16 ~~section 36-550.09 or 13-4521 and may not provide services to any other~~  
17 ~~persons on that facility's premises.~~ A secure behavioral health

18 residential facility may not have more than sixteen beds. A **SECURE**  
19 **BEHAVIORAL HEALTH RESIDENTIAL FACILITY THAT PROVIDES SERVICES TO PERSONS**  
20 **WHO ARE:**

21 1. **PLACED IN THE SECURE BEHAVIORAL HEALTH RESIDENTIAL FACILITY**  
22 **PURSUANT TO A COURT ORDER ISSUED PURSUANT TO SECTION 36-550.09 MAY NOT**  
23 **PROVIDE SERVICES TO ANY OTHER PERSONS ON THAT FACILITY'S PREMISES.**

24 2. **COMMITTED TO THE SECURE BEHAVIORAL HEALTH RESIDENTIAL FACILITY**  
25 **PURSUANT TO A COURT ORDER ISSUED PURSUANT TO SECTION 13-4521 MAY NOT**  
26 **PROVIDE SERVICES TO ANY OTHER PERSONS ON THAT FACILITY'S PREMISES.**

27 B. On or before September 1 of each year: ~~;~~

28 1. The director of the Arizona health care cost containment system  
29 administration shall submit a report to the governor, the legislature and  
30 the supreme court that includes ~~all of~~ the following information:

31 ~~1.~~ (a) An accounting of where the monies appropriated to the  
32 Arizona health care cost containment system administration for secure  
33 behavioral health residential facilities were used during the previous  
34 year.

35 ~~2.~~ (b) The number of available beds in each secure behavioral  
36 health residential facility **FOR PERSONS WHO ARE PLACED PURSUANT TO SECTION**  
37 **36-550.09.**

38 2. **THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM SHALL SUBMIT A**  
39 **REPORT TO THE GOVERNOR, THE LEGISLATURE AND THE SUPREME COURT ON THE**  
40 **NUMBER OF AVAILABLE BEDS IN EACH SECURE BEHAVIORAL HEALTH RESIDENTIAL**  
41 **FACILITY FOR PERSONS WHO ARE COMMITTED PURSUANT TO SECTION 13-4521.**

1 C. For the purposes of this section, "secure" means premises that  
2 limit a patient's egress in the least restrictive manner consistent with  
3 the patient's court-ordered treatment plan.

4 (ENACTED WITHOUT THE EMERGENCY)

5 Sec. 2. Emergency

6 This act is an emergency measure that is necessary to preserve the  
7 public peace, health or safety and is operative immediately as provided by  
8 law.