

HOUSE HEALTH AND JUDICIARY COMMITTEES

House Bill 860: Petitions for Emergency Evaluation (Arnaud and Magruder Memorial Act)

February 17, 2026

Position: Oppose

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the federal mandate of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state, including those with mental illness. House Bill 860, which would continue to allow the use of force by police when executing petitions for emergency evaluation and extend the time that a petition remains valid infringes on those rights.

Petitions for emergency evaluation necessarily require that an individual have a known mental illness. People with mental illness are at increased risk of harm in encounters with police who may resort to force. In fact, people with mental illness account for a disproportionate number of deaths caused by law enforcement officers.¹ The Maryland Office of the Attorney General issued its 2025 Independent Investigations Division Annual Report on January 31, 2026 and found that “nearly one-fourth of all people killed in officer-involved deaths in Maryland are in a behavioral health crisis.”² The report also found that in all but a small number of officer-involved deaths, law enforcement officers did not violate Maryland’s criminal laws.³ The Attorney General’s report also found that approximately 26% of the officers involved in fatalities had less than five years of service on a police force.⁴

Because officers may use “necessary and proportional” force as specified in Md. Code, Public Safety § 3-524, these troubling report findings speak to the need to move away from the use of force to alternative means of approaching encounters with individuals with behavioral health challenges, including when executing emergency petitions.

¹ Bazelon Center for Mental Health Law & Vera Institute of Justice, *New Federal Guidance for Alternatives to Police for People with Behavioral Health or Other Disabilities*, Issue Brief, 2 (Jan. 2024), <https://www.bazelon.org/wp-content/uploads/2024/01/Bazelon-Vera-issue-brief-re-crisis-response-01-14-24.pdf>

² Maryland Office of the Attorney General Independent Investigations Division Annual Report 2025 (Introductory Letter), [2025 IID Annual Report.pdf](#)

³ *Id.*

⁴ *Id.* at 20.

Disability Rights Maryland Testimony: House Bill 860

Page Two

House Bill 860 also permits renewals of an emergency petition in five day increments up to 30 days. Petitions for emergency evaluation are currently only authorized for five days under Maryland law, as they are only intended to be used in an emergency, when individuals pose a danger of harm to themselves or others. It is not a given that a person who may meet the criteria for an emergency petition on the day the petition is issued will still meet those criteria on day 5, let alone day 10, 15 or 30. Additionally, because police are able to execute a petition for emergency evaluation without endorsement from a judge, renewals of emergency petitions are unnecessary.

House Bill 860 requires “good cause shown based on the presenting behavior of the individual” to grant a five-day extension. To extend the length of time that a petition for emergency evaluation remains valid in the absence of a showing that the individual’s behavior continues to pose a danger to self or others implicates the Fourteenth Amendment of the U.S. Constitution and Article 24 of the Maryland Declaration of Rights. Better than continuing down this path, Maryland should look to crisis intervention that relies, not on police and the use of force and renewals of emergency petitions for up to a month, but on trained mental health personnel who understand how to de-escalate and engage with individuals who have mental illness.

For these reasons, DRM opposes House Bill 860.

Contact: Leslie Seid Margolis, Managing Attorney and Policy Counsel, at lesliem@disabilityrightsmd.org or 443-692-2505.