

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1291

(Delegate C. Davis)

Environmental Matters

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**Mental Hygiene - Emergency Evaluations**

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This bill allows a peace officer who has substantial reason to believe that a petition for an emergency evaluation of a person suspected of having a mental disorder contains a perjured statement to not enforce the petition and forward it to the State's Attorney for the appropriate county. This bill does not prohibit prosecuting a petitioner for false imprisonment if the petition contained a perjured statement and the individual evaluated was detained. Nor may this bill prohibit a civil remedy for the person evaluated. The bill also clarifies that the person signing the petition does so under penalty of perjury.

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**Fiscal Summary**

**State Effect:** None. The bill would not materially affect governmental finances or operations.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A petition for emergency evaluation may only be made if the petitioner believes that the individual has a mental disorder and that there is clear and imminent danger of the individual's doing bodily harm to himself or to another person.

A physician, psychologist, clinical social worker, or a health officer who has examined the individual may make a petition for emergency evaluation of an individual suspected

of having a mental disorder. In addition, a peace officer who has observed the individual or any other interested person may petition for an emergency evaluation of the individual.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State's Attorneys' Association, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2002  
mam/jr

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