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18 10-622.

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2003 Regular Session 3lr0777 CF 3lr0965

By: Delegates Nathan-Pulliam, Barkley, Benson, Bobo, Boutin, Bromwell, Cardin, Carter, Cryor, Donoghue, Goldwater, Hammen, Mandel, McDonough, McHale, Murray, Oaks, Pendergrass, Quinter, Smigiel, F. Turner, V. Turner, and Weldon Introduced and read first time: February 7, 2003 Assigned to: Health and Government Operations Committee Report: Favorable House action: Adopted Read second time: March 12, 2003 CHAPTER\_\_\_\_ 1 AN ACT concerning 2 Mental Hygiene Administration - Emergency Evaluation - Standards and 3 **Content** 4 FOR the purpose of modifying certain standards for emergency evaluations of individuals with mental disorders; authorizing certain individuals who make a 5 6 petition for emergency evaluation to base the petition on certain information; 7 modifying the required elements of a petition for emergency evaluation; and generally relating to emergency evaluations of individuals with mental 8 disorders. 9 10 BY repealing and reenacting, with amendments, 11 Article - Health - General 12 Section 10-622, 10-623, and 10-626 Annotated Code of Maryland 13 14 (2000 Replacement Volume and 2002 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 15 16 MARYLAND, That the Laws of Maryland read as follows: 17 Article - Health - General

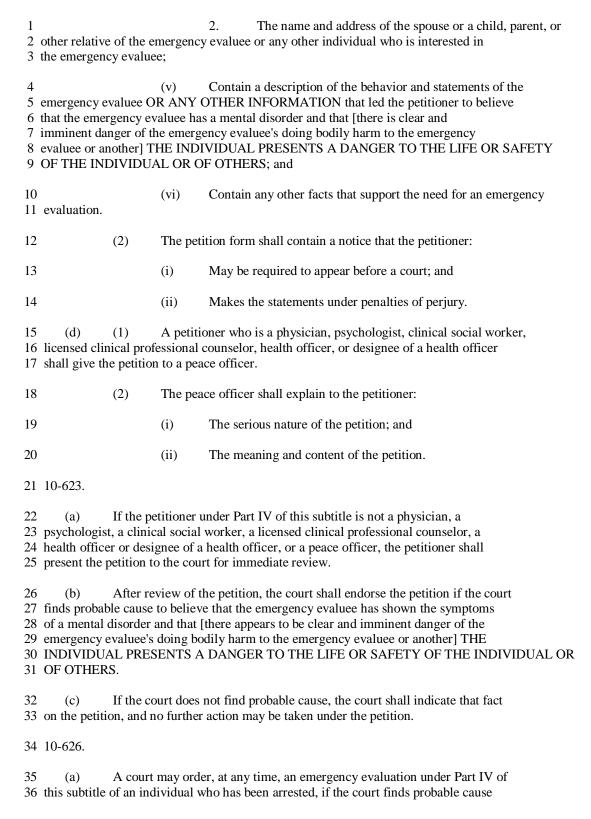
A petition for emergency evaluation of an individual may be made under

20 this section only if the petitioner has reason to believe that the individual:

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1 2	danger of the	(1) e individu			tal disorder [and that there is clear and imminent narm to the individual or another]; AND	
3	THE INDIV	(2) IDUAL (			AL PRESENTS A DANGER TO THE LIFE OR SAFETY OF	
5 6	(b) by:	(1)	The peti	tion for e	mergency evaluation of an individual may be made	
	clinical profe				cian, a psychologist, a clinical social worker, a licensed Ith officer or designee of a health officer who	
10 11	THE INDIV	[(2)] IDUAL'S	(II) S BEHAV		officer who personally has observed the individual OR	
12		[(3)]	(III)	Any oth	er interested person.	
	13 (2) AN INDIVIDUAL WHO MAKES A PETITION FOR EMERGENCY 14 EVALUATION UNDER PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION MAY BASE THE 15 PETITION ON:					
16			(I)	THE EX	AMINATION OR OBSERVATION; OR	
17 18	FACTORS	GIVING	(II) RISE TO		INFORMATION OBTAINED THAT IS PERTINENT TO THE CTITION.	
19	(c)	(1)	A petition under this section shall:			
20			(i)	Be signe	ed and verified by the petitioner;	
21			(ii)	State the	e petitioner's:	
22				1.	Name;	
23				2.	Address; and	
24				3.	Home and work telephone numbers;	
25			(iii)	State the	e emergency evaluee's:	
26				1.	Name; and	
27				2.	Description;	
28			(iv)	State the	e following information, if available:	
29				1.	The address of the emergency evaluee; and	

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1 to believe that the individual has a mental disorder and [there appears to be clear 2 and imminent danger of the individual's doing bodily harm to the individual or 3 another] THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE 4 INDIVIDUAL OR OF OTHERS. 5 (b) The court order for an emergency evaluation shall state the grounds. 6 Unless the court directs otherwise, an individual who is taken to an (c) 7 emergency facility under this section shall stay in the custody of the peace officer 8 until the individual either is admitted to an appropriate facility or returned to the court or an appropriate jail. 10 If an individual was detained lawfully before the court ordered an 11 emergency evaluation under this section and the individual does not meet the 12 requirements for involuntary admission under this subtitle: The examining physician shall send a brief report of the evaluation to 13 (1) 14 the court; and 15 (2) The peace officer shall: 16 Return to the court the individual, the court order, and the 17 report of the examining physician; or 18 If the court is not in session, take the individual to an (ii) 19 appropriate jail and, before the end of the next day that the court is in session, return 20 to the court the individual and the report of the examining physician. 21 (e) A court order under this section is a detainer against an individual until: 22 (1) The charges against the individual are dismissed, nol prossed, or 23 stetted; or 24 The individual appears in court. (2)

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect