

HOUSE BILL 668

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2003 Regular Session  
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CF 3lr0965

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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

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 12, 2003

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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  
5 individuals with mental disorders; authorizing certain individuals who make a  
6 petition for emergency evaluation to base the petition on certain information;  
7 modifying the required elements of a petition for emergency evaluation; and  
8 generally relating to emergency evaluations of individuals with mental  
9 disorders.

10 BY repealing and reenacting, with amendments,  
11 Article - Health - General  
12 Section 10-622, 10-623, and 10-626  
13 Annotated Code of Maryland  
14 (2000 Replacement Volume and 2002 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17                                   **Article - Health - General**

18 10-622.

19 (a) 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:

1 (1) [has] HAS a mental disorder [and that there is clear and imminent  
2 danger of the individual's doing bodily harm to the individual or another]; AND

3 (2) THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF  
4 THE INDIVIDUAL OR OF OTHERS.

5 (b) (1) The petition for emergency evaluation of an individual may be made  
6 by:

7 [(1)] (I) A physician, a psychologist, a clinical social worker, a licensed  
8 clinical professional counselor, or a health officer or designee of a health officer who  
9 has examined the individual;

10 [(2)] (II) A peace officer who personally has observed the individual OR  
11 THE INDIVIDUAL'S BEHAVIOR; or

12 [(3)] (III) Any other 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 EXAMINATION OR OBSERVATION; OR

17 (II) OTHER INFORMATION OBTAINED THAT IS PERTINENT TO THE  
18 FACTORS GIVING RISE TO THE PETITION.

19 (c) (1) A petition under this section shall:

20 (i) Be signed and verified by the petitioner;

21 (ii) State the petitioner's:

22 1. Name;

23 2. Address; and

24 3. Home and work telephone numbers;

25 (iii) State the emergency evaluatee's:

26 1. Name; and

27 2. Description;

28 (iv) State the following information, if available:

29 1. The address of the emergency evaluatee; and

1                                   2.            The name and address of the spouse or a child, parent, or  
2 other relative of the emergency evaluatee or any other individual who is interested in  
3 the emergency evaluatee;

4                                   (v)            Contain a description of the behavior and statements of the  
5 emergency evaluatee OR ANY OTHER INFORMATION that led the petitioner to believe  
6 that the emergency evaluatee has a mental disorder and that [there is clear and  
7 imminent danger of the emergency evaluatee's doing bodily harm to the emergency  
8 evaluatee or another] **THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY**  
9 **OF THE INDIVIDUAL OR OF OTHERS;** and

10                                  (vi)           Contain any other facts that support the need for an emergency  
11 evaluation.

12                                  (2)           The petition form shall contain a notice that the petitioner:

13                                   (i)            May be required to appear before a court; and

14                                   (ii)           Makes the statements under penalties of perjury.

15                                  (d)           (1)           A petitioner who is a physician, psychologist, clinical social worker,  
16 licensed clinical professional counselor, health officer, or designee of a health officer  
17 shall give the petition to a peace officer.

18                                  (2)           The peace officer shall explain to the petitioner:

19                                   (i)            The serious nature of the petition; and

20                                   (ii)           The meaning and content of the petition.

21 10-623.

22                                  (a)           If the petitioner under Part IV of this subtitle is not a physician, a  
23 psychologist, a clinical social worker, a licensed clinical professional counselor, a  
24 health officer or designee of a health officer, or a peace officer, the petitioner shall  
25 present the petition to the court for immediate review.

26                                  (b)           After review of the petition, the court shall endorse the petition if the court  
27 finds probable cause to believe that the emergency evaluatee has shown the symptoms  
28 of a mental disorder and that [there appears to be clear and imminent danger of the  
29 emergency evaluatee's doing bodily harm to the emergency evaluatee or another] **THE**  
30 **INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR**  
31 **OF OTHERS.**

32                                  (c)           If the court does not find probable cause, the court shall indicate that fact  
33 on the petition, and no further action may be taken under the petition.

34 10-626.

35                                  (a)           A court may order, at any time, an emergency evaluation under Part IV of  
36 this subtitle of an individual who has been arrested, if the court finds probable cause

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 (c) Unless the court directs otherwise, an individual who is taken to an  
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  
9 court or an appropriate jail.

10 (d) 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:

13 (1) The examining physician shall send a brief report of the evaluation to  
14 the court; and

15 (2) The peace officer shall:

16 (i) Return to the court the individual, the court order, and the  
17 report of the examining physician; or

18 (ii) If the court is not in session, take the individual to an  
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 statted; or

24 (2) The individual appears in court.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2003.