SENATE BILL 273

By: **Senators Grosfeld, Britt, Conway, Forehand, Garagiola, Green, Greenip,**
    Schrader, Stone, and Teitelbaum
Introduced and read first time: January 31, 2003
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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:

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

23   (2)   THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF
24 THE INDIVIDUAL OR OF OTHERS.

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

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

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

6   [(3)]   (III)   Any other interested person.

7   (2)   AN INDIVIDUAL WHO MAKES A PETITION FOR EMERGENCY
8 EVALUATION UNDER PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION MAY BASE THE
9 PETITION ON:

10   (I)   THE EXAMINATION OR OBSERVATION; OR

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

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

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

15   (ii)   State the petitioner's:

16   1.   Name;

17   2.   Address; and

18   3.   Home and work telephone numbers;

19   (iii)   State the emergency evaluee's:

20   1.   Name; and

21   2.   Description;

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

23   1.   The address of the emergency evaluee; and

24   2.   The name and address of the spouse or a child, parent, or
25 other relative of the emergency evaluee or any other individual who is interested in
26 the emergency evaluee;

27   (v)   Contain a description of the behavior and statements of the
28 emergency evaluee OR ANY OTHER INFORMATION that led the petitioner to believe
29 that the emergency evaluee has a mental disorder and that [there is clear and
30 imminent danger of the emergency evaluee's doing bodily harm to the emergency
31 evaluee or another] THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY
32 OF THE INDIVIDUAL OR OF OTHERS; and

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

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

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

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

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

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

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

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

12 10-623.

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

17   (b)   After review of the petition, the court shall endorse the petition if the court
18 finds probable cause to believe that the emergency evaluee has shown the symptoms
19 of a mental disorder and that [there appears to be clear and imminent danger of the
20 emergency evaluee's doing bodily harm to the emergency evaluee or another] THE
21 INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR
22 OF OTHERS.

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

25 10-626.

26   (a)   A court may order, at any time, an emergency evaluation under Part IV of
27 this subtitle of an individual who has been arrested, if the court finds probable cause
28 to believe that the individual has a mental disorder and [there appears to be clear
29 and imminent danger of the individual's doing bodily harm to the individual or
30 another] THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE
31 INDIVIDUAL OR OF OTHERS.

32   (b)   The court order for an emergency evaluation shall state the grounds.

33   (c)   Unless the court directs otherwise, an individual who is taken to an
34 emergency facility under this section shall stay in the custody of the peace officer
35 until the individual either is admitted to an appropriate facility or returned to the
36 court or an appropriate jail.

1   (d)   If an individual was detained lawfully before the court ordered an
2 emergency evaluation under this section and the individual does not meet the
3 requirements for involuntary admission under this subtitle:

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

6   (2)   The peace officer shall:

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

9   (ii)   If the court is not in session, take the individual to an
10 appropriate jail and, before the end of the next day that the court is in session, return
11 to the court the individual and the report of the examining physician.

12   (e)   A court order under this section is a detainer against an individual until:

13   (1)   The charges against the individual are dismissed, nol prossed, or
14 stetted; or

15   (2)   The individual appears in court.

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