
By: **Senator Stone**

Introduced and read first time: February 21, 2003

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene Administration - Emergency Evaluation - Petition,**
3 **Standards, and Content**

4 FOR the purpose of modifying certain standards for emergency evaluations of
5 individuals with mental disorders; authorizing an employee of a correctional
6 facility in which an individual is confined to petition for an emergency
7 evaluation of the individual; authorizing certain individuals who make a
8 petition for emergency evaluation to base the petition on certain information;
9 modifying the required elements of a petition for emergency evaluation; and
10 generally relating to emergency evaluations of individuals with mental
11 disorders.

12 BY repealing and reenacting, without amendments,
13 Article - Correctional Services
14 Section 1-101(a) and (d)
15 Annotated Code of Maryland
16 (1999 Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Health - General
19 Section 10-622, 10-623, and 10-626
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2002 Supplement)

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

24 **Article - Correctional Services**

25 1-101.

26 (a) In this article the following words have the meanings indicated.

27 (d) "Correctional facility" means a facility that is operated for the purpose of
28 detaining or confining adults who are charged with or found guilty of a crime.

1 **Article - Health - General**

2 10-622.

3 (a) A petition for emergency evaluation of an individual may be made under
4 this section only if the petitioner has reason to believe that the individual:5 (1) [has] HAS a mental disorder [and that there is clear and imminent
6 danger of the individual's doing bodily harm to the individual or another]; AND7 (2) THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF
8 THE INDIVIDUAL OR OF OTHERS.9 (b) (1) The petition for emergency evaluation of an individual may be made
10 by:11 [(1)] (I) A physician, a psychologist, a clinical social worker, a licensed
12 clinical professional counselor, or a health officer or designee of a health officer who
13 has examined the individual;14 [(2)] (II) A peace officer who personally has observed the individual OR
15 THE INDIVIDUAL'S BEHAVIOR; [or]16 (III) AN EMPLOYEE OF A CORRECTIONAL FACILITY IN WHICH THE
17 INDIVIDUAL IS CONFINED; OR

18 [(3)] (IV) Any other interested person.

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

22 (I) THE EXAMINATION OR OBSERVATION; OR

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

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

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

27 (ii) State the petitioner's:

28 1. Name;

29 2. Address; and

30 3. Home and work telephone numbers;

31 (iii) State the emergency evaluatee's:

- 1 1. Name; and
- 2 2. Description;
- 3 (iv) State the following information, if available:
 - 4 1. The address of the emergency evaluatee; and
 - 5 2. The name and address of the spouse or a child, parent, or
6 other relative of the emergency evaluatee or any other individual who is interested in
7 the emergency evaluatee;
- 8 (v) Contain a description of the behavior and statements of the
9 emergency evaluatee OR ANY OTHER INFORMATION that led the petitioner to believe
10 that the emergency evaluatee has a mental disorder and that [there is clear and
11 imminent danger of the emergency evaluatee's doing bodily harm to the emergency
12 evaluatee or another] THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY
13 OF THE INDIVIDUAL OR OF OTHERS; and
- 14 (vi) Contain any other facts that support the need for an emergency
15 evaluation.
- 16 (2) The petition form shall contain a notice that the petitioner:
 - 17 (i) May be required to appear before a court; and
 - 18 (ii) Makes the statements under penalties of perjury.
- 19 (d) (1) A petitioner who is a physician, psychologist, clinical social worker,
20 licensed clinical professional counselor, health officer, or designee of a health officer
21 shall give the petition to a peace officer.
- 22 (2) The peace officer shall explain to the petitioner:
 - 23 (i) The serious nature of the petition; and
 - 24 (ii) The meaning and content of the petition.
- 25 10-623.
- 26 (a) If the petitioner under Part IV of this subtitle is not a physician, a
27 psychologist, a clinical social worker, a licensed clinical professional counselor, a
28 health officer or designee of a health officer, or a peace officer, the petitioner shall
29 present the petition to the court for immediate review.
- 30 (b) After review of the petition, the court shall endorse the petition if the court
31 finds probable cause to believe that the emergency evaluatee has shown the symptoms
32 of a mental disorder and that [there appears to be clear and imminent danger of the
33 emergency evaluatee's doing bodily harm to the emergency evaluatee or another] THE
34 INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR
35 OF OTHERS.

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

3 10-626.

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

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

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

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

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

20 (2) The peace officer shall:

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

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

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

27 (1) The charges against the individual are dismissed, nol prossed, or
28 statted; or

29 (2) The individual appears in court.

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