

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

Senate Bill 742 (Senator McFadden)  
Education, Health, and Environmental Affairs

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**Mental Hygiene - Emergency Evaluations**

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This bill prohibits 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 from enforcing the petition and requires the officer to forward it to the State's Attorney for the appropriate county. The bill does not preclude prosecution of a petitioner for false imprisonment if the petition contained a perjured statement and the individual evaluated was detained. Nor does the bill preclude 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:** The petition for an emergency evaluation of an individual may be made by: a physician, psychologist, clinical social worker, licensed clinical professional counselor, or health officer or designee of a health officer who has examined the individual; a peace officer who personally observed the individual; or any other interested person.

A petition from a health professional who examines the individual or a peace officer who observes the individual's behavior may have their petitions immediately implemented. If the petitioner is not a health professional or a peace officer, the petitioner must present the petition to the court for review. The court must endorse the petition if it finds probable cause to believe the emergency evaluatee has shown symptoms of a mental disorder and there is a clear and imminent danger of the emergency evaluatee's doing bodily harm to the evaluatee or another. If the court does not find probable cause, no further action may be taken on the petition.

A petition from a health professional is given to a peace officer who must take the emergency evaluatee to an emergency facility where the evaluatee must be examined by a physician within six hours to determine whether the evaluatee meets the requirements for involuntary admission. Once an individual is at an emergency facility for evaluation, the evaluatee must be released after the examination unless the evaluatee asks for voluntary admission or meets the requirements for involuntary admission. An emergency evaluatee cannot be kept at an emergency facility for more than 30 hours.

An individual cannot be involuntarily admitted unless: (1) the individual has a mental disorder; (2) the individual needs inpatient care or treatment; (3) the individual presents a danger to the life or safety of the individual or others; (4) the individual is unable or unwilling to be admitted voluntarily; and (5) there is no available, less restrictive form of intervention consistent with the welfare and safety of the individual.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 1291, was introduced in the 2002 session. A hearing was held in the House Environmental Matters Committee, but the bill was later withdrawn.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 13, 2003  
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