

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 32

(Delegate Bagnall)

Health and Government Operations

Finance

Mental Health Law – Petitions for Emergency Evaluation – Electronic Record

This bill authorizes a petition for emergency evaluation to be provided as an “electronic record” and transmitted and received electronically. Accordingly, a peace officer may use an emergency petition in the form of an electronic record that is transmitted and received electronically, and an emergency facility must accept an emergency evaluatee if the petition is properly executed. “Electronic record” is defined as a document communicated, received, or stored by electronic means.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: While the procedural change may expedite the ability of local law enforcement to receive and serve emergency petitions, it is not expected to materially affect local governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: Under the Health-General Article, specified health professionals, a health officer (or designee), a peace officer, or any other interested party may petition for an emergency evaluation of an individual if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. A peace officer may petition for an emergency evaluation only if

the peace officer has personally observed the individual or the individual's behavior, whereas specified health professionals and health officers (or designees) who petition for an emergency evaluation must have examined the individual.

When the petitioner is a specified health professional or health officer (or designee), the petition must be given to a peace officer. On receipt of a valid petition for an emergency evaluation, a peace officer must take the individual to the nearest emergency facility and must notify the facility in advance, to the extent practicable. The peace officer may stay for the duration of the evaluation on request of the evaluating physician if the individual exhibits violent behavior.

A “peace officer” is defined as a sheriff, deputy sheriff, State police officer, county police officer, municipal or other local police officer, or Secret Service agent.

Additional Comments: The Department of State Police reports that its officers rarely receive or serve emergency petitions.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 2 (Senator Augustine) - Finance.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2022
fnu2/jc Third Reader - March 17, 2022
Revised - Amendment(s) - March 17, 2022

Analysis by: Amber R. Gundlach

Direct Inquiries to:

(410) 946-5510

(301) 970-5510