

# HOUSE BILL 860

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By: Delegate Alston

Introduced and read first time: February 4, 2026

Assigned to: Health and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Petitions for Emergency Evaluation**  
3 **(Arnaud and Magruder Memorial Act)**

4 FOR the purpose of specifying that a petition for emergency evaluation is effective for a  
5 certain period of time; authorizing a court, on a certain motion and for good cause  
6 shown, to extend a petition for a certain period of time; requiring a court to include  
7 the date the petition expires on the petition; requiring peace officers to comply with  
8 a certain provision of law when executing a petition; and generally relating to  
9 petitions for emergency evaluation.

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 10–623 and 10–624(a)  
13 Annotated Code of Maryland  
14 (2023 Replacement Volume and 2025 Supplement)

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

17 **Article – Health – General**

18 10–623.

19 (a) If the petitioner under Part IV of this subtitle is not a physician, psychologist,  
20 clinical social worker, licensed clinical professional counselor, clinical nurse specialist in  
21 psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical  
22 marriage and family therapist, health officer or designee of a health officer, or peace officer,  
23 the petitioner shall present the petition to the court for immediate review.

24 (b) After review of the petition, the court shall endorse the petition if the court  
25 finds probable cause to believe that the emergency evaluatee has shown the symptoms of a

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 mental disorder and that the individual presents a danger to the life or safety of the  
2 individual or of others.

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

5 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PETITION  
6 SHALL BE EFFECTIVE FOR 5 DAYS AFTER BEING ENDORSED BY THE COURT UNDER  
7 SUBSECTION (B) OF THIS SECTION.

8 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON  
9 A MOTION, THE COURT MAY EXTEND THE PETITION FOR GOOD CAUSE SHOWN BASED  
10 ON THE PRESENTING BEHAVIOR OF THE INDIVIDUAL FOR UP TO 5 DAYS AT A TIME,  
11 BUT NOT TO EXCEED A TOTAL OF 30 DAYS.

12 (II) 1. A MOTION UNDER SUBPARAGRAPH (I) OF THIS  
13 PARAGRAPH MUST BE MADE BY THE ORIGINAL PETITIONER.

14 2. EACH EXTENSION SHALL BE BASED ON A SEPARATE  
15 MOTION.

16 (3) A PETITION ENDORSED OR EXTENDED UNDER THIS SUBSECTION  
17 SHALL BE SERVED EXPEDITIOUSLY.

18 (E) THE COURT SHALL INCLUDE ON THE PETITION THE DATE THE PETITION  
19 EXPIRES.

20 10-624.

21 (a) (1) A peace officer shall take an emergency evaluate to the nearest  
22 emergency facility if the peace officer has a petition under Part IV of this subtitle that:

23 (i) 1. Has been endorsed by a court [within the last 5 days]; AND

24 2. IS IN EFFECT; or

25 (ii) Is signed and submitted by a physician, psychologist, clinical  
26 social worker, licensed clinical professional counselor, clinical nurse specialist in  
27 psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical  
28 marriage and family therapist, health officer or designee of a health officer, or peace officer.

29 (2) The petition required under paragraph (1) of this subsection may be:

30 (i) In the form of an electronic record; and

31 (ii) Transmitted and received electronically.

3                   [(3)] (4) To the extent practicable, a peace officer shall notify the  
4 emergency facility in advance that the peace officer is bringing an emergency evaluatee to  
5 the emergency facility.

6                   [(4)] (5) After a peace officer brings the emergency evaluatee to an  
7 emergency facility, the peace officer need not stay unless, because the emergency evaluatee  
8 is violent, emergency facility personnel ask the supervisor of the peace officer to have the  
9 peace officer stay.

10                   **[(5)] (6)**     A peace officer shall stay until the supervisor responds to the  
11 request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the  
12 peace officer to stay.

13                   [(6)] (7)     If emergency facility personnel ask that a peace officer stay, a  
14 physician shall examine the emergency evaluatee as promptly as possible.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2026.