



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman, and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 2, 2021

RE: **HB 29 Health – Standards for Involuntary Admissions and Petitions for
Emergency Evaluation – Substance Use Disorder**

POSITION: **LETTER OF INFORMATION**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) provide the following letter of information on HB 29.

Under §10-620 et seq. of the Health-General Article, a peace officer may take a person into custody and transport the individual to the nearest emergency facility if the officer has reasonable grounds to believe the individual has a mental disorder and presents a danger to life or safety of the individual or others. Officers are not trained mental health professionals, but §10-620(f) provides reasonably clear guidance as to what “mental disorder” means: “a clear disturbance in the mental functioning of another individual.”

A clear definition is essential. Emergency commitments for evaluation are involuntary. The individual is unable to appreciate the need for mental health intervention. Officers are sometimes required to use reasonable force to bring the individual to the emergency facility.

HB 29 adds “substance use disorder” to the circumstances where an officer may (and sometimes must) take a person into custody, resulting in greater situations where force may be used to deprive a person of liberty. “Substance use disorder” is not defined. Without a definition, officers (and other petitioners and the courts) are left to guess when an individual has a substance use disorder. “Substance use disorder” may have a defined meaning in a clinical setting, but, if so, that meaning will not be apparent to lay petitioners, including officers.