



Hb1019 Testimony

From: Evelyn Burton, Maryland Advocacy Chair

Position: Support with Amendments

The Schizophrenia and Psychosis Action Alliance supports HB 1019, however we requests that it be amended to provide an initial petition endorsement by the court for 10 days rather than 5 with an extension. This would reduce the burden on families who are frequently having traumatic experiences related to the need for an emergency petition. In addition, an amendment is needed to prevent the unintended consequence of encouraging the use of force by peace officers before the use of de-escalation techniques and a request for assistance from a mental health professional.

We support the ability of the court to endorse an emergency petition for a total of 10 days since not infrequently the subject of the emergency petition is homeless and difficult to locate. Also, families report that not infrequently, if the subject of the emergency petition realizes that a petition has been filed, they leave their home and do not return for several days, again necessitating more time to locate them.

The petitioning of a loved one when the family fears for the life and safety of their loved one or themselves is often a traumatic experience. Endorsing the petition for 10 days instead of 5 greatly lessens the burden on families by reducing the need to repeat the petition processes or request an extension, if their loved one is not located in 5 days.

If there is a good reason, that we are not aware of, for not doing an initial endorsement of 10 days, then at a minimum there should be an automatic renewal if the subject of the petition is not located within 10 days, or the peace officers should be required to request the extension. If none of that is feasible, then the petition form should be required to include instructions on how to submit information to the court to request the 5 day extension. Such request should be allowed to be submitted by email or fax, to the court in any jurisdiction which could then transmit the information to the court which issued the original authorization.

We also request an amendment to the language allowing a peace officer to use reasonable and necessary force when executing a petition. We fear that the use of force will increase unless it is made clear that unless there is imminent danger of harm to the evaluatee or the officer, the extensive use of de-escalation techniques and a request for help from trained mental health professionals, when available within 12 hours, is required before the use of force. The use of force is traumatic for the evacuee and greatly increases the risk of serious harm and even death to the evaluatee and the officer. It also greatly increases the risk of criminal charges against the evaluatee who often does not understand what is happening and may resist the use of force.

Therefore, we request the following amendments:

Page 2, line 5: Delete starting at (1) through SUBSECTION,

Page 2, line 5: Delete “5” and substitute “10”

Page 2, lines 8 and 9: Delete all.

Page 2, line 23: After “PETITION” add: ONLY AFTER DEESCALATION AND PERSUASION TECHNIQUES TO OBTAIN VOLUNTARY COMPLIANCE WITH TRANSPORT HAVE BEEN USED FOR AT LEAST 4 HOURS AND A REQUEST FOR HELP FROM A MENTAL HEALTH PROFESSIONAL, WHEN AVIALABLE WITHIN 4 HOURS, HAS BEEN REQUESTED, UNLESS THERE IS A CLEAR IMMINENT RISK OF SERIOUS HARM TO THE PEACE OFFICIER OR THE EVALUEE.

The affected sections with the amendments would read as follows:

10-623

~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PETITION SHALL BE EFFECTIVE FOR 5 10 DAYS AFTER BEING ENDORSED BY THE COURT UNDER SUBSECTION (B) OF THIS SECTION. (2) THE COURT MAY EXTEND THE PETITION FOR GOOD CAUSE SHOWN FOR AN ADDITIONAL 5 DAYS.~~

10-624 (a)

(3) A PEACE OFFICER MAY USE REASONABLE AND NECESSARY FORCE WHEN EXECUTING A PETITION ONLY AFTER DEESCALATION AND PERSUASION TECHNIQUES TO OBTAIN VOLUNTARY COMPLIANCE WITH TRANSPORT HAVE BEEN USED FOR AT LEAST 4 HOURS AND A REQUEST FOR HELP FROM A MENTAL HEALTH PROFESSIONAL, WHEN AVIALABLE WITHIN 4 HOURS, HAS BEEN REQUESTED, UNLESS THERE IS A CLEAR IMMINENT RISK OF SERIOUS HARM TO THE PEACE OFFICIER OR THE EVALUEE.

Thank you for consideration of these amendments to enhance the ability to provide treatment to those with serious mental illness and prevent trauma and harmful consequences to the evaluatee and the peace officer.

Please give a favorable report to HB 1019 with the amendments above.