

HOUSE BILL 1019

J1

4lr1686

By: **Delegates Alston, Bagnall, Fennell, S. Johnson, J. Long, Martinez, M. Morgan, Taveras, ~~and Woods~~ Woods, Pena-Melnyk, Cullison, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, Kaiser, Kipke, Lopez, Reilly, Rosenberg, Szeliga, and White Holland**

Introduced and read first time: February 5, 2024

Assigned to: Health and Government Operations and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2024

CHAPTER _____

1 AN ACT concerning

2 **Mental Health Law – Petitions for Emergency Evaluation**

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

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

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

16 **Article – Health – General**

17 10–623.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

(b) After review of the petition, the court shall endorse the petition if the court finds probable cause to believe that the emergency evaluatee has shown the symptoms of a mental disorder and that the individual presents a danger to the life or safety of the individual or of others.

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

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

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

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

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

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

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

10-624.

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

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

2. IS IN EFFECT; or

(ii) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in

1 psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical
2 marriage and family therapist, health officer or designee of a health officer, or peace officer.

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

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

5 (ii) Transmitted and received electronically.

6 (3) ~~A PEACE OFFICER MAY USE REASONABLE AND NECESSARY FORCE~~
7 IN ACCORDANCE WITH § 3-524 OF THE PUBLIC SAFETY ARTICLE WHEN EXECUTING
8 A PETITION.

9 [(3)] (4) To the extent practicable, a peace officer shall notify the
10 emergency facility in advance that the peace officer is bringing an emergency evaluatee to
11 the emergency facility.

12 [(4)] (5) After a peace officer brings the emergency evaluatee to an
13 emergency facility, the peace officer need not stay unless, because the emergency evaluatee
14 is violent, emergency facility personnel ask the supervisor of the peace officer to have the
15 peace officer stay.

16 [(5)] (6) A peace officer shall stay until the supervisor responds to the
17 request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the
18 peace officer to stay.

19 [(6)] (7) If emergency facility personnel ask that a peace officer stay, a
20 physician shall examine the emergency evaluatee as promptly as possible.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.