

HOUSE BILL 1019

J1

4lr1686

By: **Delegates Alston, Bagnall, Fennell, S. Johnson, J. Long, Martinez, M. Morgan, Taveras, and Woods**

Introduced and read first time: February 5, 2024

Assigned to: Health and Government Operations and Judiciary

A BILL ENTITLED

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, for good cause shown, to extend a petition
5 for a certain period of time; authorizing peace officers to use reasonable and
6 necessary force when executing a petition; and generally relating to petitions for
7 emergency evaluation.

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

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

15 **Article – Health – General**

16 10–623.

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

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

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) THE COURT MAY EXTEND THE PETITION FOR GOOD CAUSE SHOWN**
9 **FOR AN ADDITIONAL 5 DAYS.**

10 10-624.

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

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

14 2. IS IN EFFECT; or

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

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

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

21 (ii) Transmitted and received electronically.

22 **(3) A PEACE OFFICER MAY USE REASONABLE AND NECESSARY FORCE**
23 **WHEN EXECUTING A PETITION.**

24 **[(3)] (4)** To the extent practicable, a peace officer shall notify the
25 emergency facility in advance that the peace officer is bringing an emergency evaluatee to
26 the emergency facility.

27 **[(4)] (5)** After a peace officer brings the emergency evaluatee to an
28 emergency facility, the peace officer need not stay unless, because the emergency evaluatee
29 is violent, emergency facility personnel ask the supervisor of the peace officer to have the
30 peace officer stay.

1 **[(5)] (6)** A peace officer shall stay until the supervisor responds to the
2 request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the
3 peace officer to stay.

4 **[(6)] (7)** If emergency facility personnel ask that a peace officer stay, a
5 physician shall examine the emergency evaluatee as promptly as possible.

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