

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 908  
Judiciary

(Delegate Bagnall)

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Mental Health - Emergency Evaluations - Modification to Peace Officer  
Transport Requirement

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This bill repeals the requirement that a peace officer take an emergency evaluatee to *the nearest* facility; rather a peace officer must take an emergency evaluatee to *an* emergency facility if the peace officer has a specified petition.

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Fiscal Summary

**State Effect:** None. The change is procedural in nature and does not materially affect governmental finances.

**Local Effect:** None. The change is procedural in nature and does not materially affect local governmental finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** Under the Health-General Article, specified health professionals, a health officer (or designee), a peace officer, or any other interested party may petition for an emergency evaluation of an individual if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. A peace officer may petition for an emergency evaluation only if the peace officer has personally observed the individual or the individual's behavior, whereas specified health professionals and health officers (or designees) who petition for an emergency evaluation must have examined the individual.

When the petitioner is a specified health professional or health officer (or designee), the petition must be given to a peace officer. On receipt of a valid petition for an emergency evaluation, a peace officer must take the individual to the nearest emergency facility and must notify the facility in advance, to the extent practicable. The peace officer may stay for the duration of the evaluation on request of the evaluating physician if the individual exhibits violent behavior.

A “peace officer” is defined as a sheriff, deputy sheriff, State police officer, county police officer, municipal or other local police officer, or Secret Service agent.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Howard and Prince George’s counties; Maryland Association of Counties; Maryland Municipal League; Maryland Department of Health; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - May 3, 2022  
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