

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 468

(Delegate Alston, *et al.*)

Health and Government Operations and
Judiciary

Finance and Judicial Proceedings

Petitions for Emergency Evaluation (Arnaud and Magruder Memorial Act)

This bill clarifies that an endorsed petition for emergency evaluation is effective for five days after endorsement and authorizes a court (on a motion by the original petitioner and for good cause shown) to extend the effect of an endorsed petition by five days at a time for up to 30 days based on the presenting behavior of the individual. Each extension must be based on a separate motion. An endorsed or extended petition must be served expeditiously, and the court must include on the petition the date the petition expires. A peace officer is authorized to use force in accordance with the Maryland use of force statute when executing a petition.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$4,500 in FY 2026 only for the Judiciary to implement programming changes. To the extent the bill increases the number of emergency petition reviews required of the Office of the Public Defender (OPD), OPD expenditures may increase, as discussed below. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government operations or finances, including the work of local law enforcement.

Small Business Effect: None.

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.

When the petitioner is someone other than a specified health professional, health officer, or peace officer, the petitioner must present the petition to the court for review. If, after review, 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 others, the court must endorse the petition. However, if the court does not find such probable cause, the court must indicate that fact on the petition and no further action may be taken under the petition.

On receipt of a petition for an emergency evaluation that has been endorsed by a court within the last five days or is received from specified individuals (*i.e.*, a specified health professional, a health officer, a health officer's designee, or a peace officer), 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 must stay for the duration of the evaluation at the request of emergency facility staff, as specified, if the emergency evaluatee exhibits violent behavior. If the peace officer is requested to stay as specified, a physician must examine the emergency evaluatee as promptly as possible.

Chapter 60 of 2021, among other things, established the Maryland Use of Force Statute, which specifies requirements regarding a police officer's use of force. A police officer may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to prevent an imminent threat of physical injury to a person or effectuate a legitimate law enforcement objective. A police officer must cease the use of force as soon as (1) the person on whom the force is used is under the police officer's control or no longer poses an imminent threat of physical injury or death to the police officer or to another person or (2) the police officer determines that force will no longer accomplish a legitimate law enforcement objective.

State Expenditures: The Judiciary advises that programming changes are necessary for the Judicial Information System in order to implement the bill's authorization to extend a petition for emergency evaluation for up to five days at a time. Thus, general fund expenditures increase by \$4,528 in fiscal 2026 only.

In response to a prior year version of this legislation, OPD advised that there was no impact on their operations. However, in response to this bill, OPD advises that it must process and review all emergency petitions and review the transcripts of the *ex parte* emergency petition hearings to ensure that they are legal and do not violate clients' rights. As a result, to the extent the bill increases the number of emergency petitions OPD must review, the bill may increase costs for the office.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1019 of 2024.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2025
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