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## SENATE JOINT RESOLUTION NO. 14

Offered January 10, 2018

Prefiled December 28, 2017

*Directing the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century to study alternative models of emergency custody and temporary detention. Report.*

Patron—Edwards

Referred to Committee on Rules

WHEREAS, an individual who has a mental illness, and because of such mental illness, either poses a substantial risk of serious harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or is experiencing a substantial risk of serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and who is unwilling or unable to voluntarily seek treatment may be subject to involuntary emergency custody or temporary detention for the purpose of providing treatment; and

WHEREAS, currently, a person may only be subject to emergency custody or temporary detention (i) upon being taken into custody by a law-enforcement officer who believes the person meets the criteria for emergency custody or (ii) upon entry of an order for emergency custody or temporary detention issued by a magistrate following a hearing and presentation of evidence indicating that the individual meets the criteria for emergency custody or temporary detention; and

WHEREAS, some states have adopted alternative models of emergency custody and temporary detention pursuant to which a mental health services provider, general physician, emergency physician, or other health care provider can initiate emergency custody or temporary detention of an individual they believe to meet the criteria for emergency custody and temporary detention and to hold that person involuntarily for a period of time to initiate treatment without involving law enforcement or a judicial officer; and

WHEREAS, proponents of such alternative models of emergency custody and temporary detention argue that such models empower health care providers to provide necessary treatment, reduce burdens on law-enforcement and judicial officers, and improve the safety of individuals who meet the criteria for emergency custody and temporary detention and the public; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century be directed to study alternative models of emergency custody and temporary detention.

In conducting its study, the joint subcommittee shall (i) identify alternative models of emergency custody and temporary detention, including Florida's Baker Act; (ii) evaluate such alternative models to identify the potential costs and benefits of such models; and (iii) make recommendations for changes to the Commonwealth's current model of emergency custody and temporary detention to improve outcomes for individuals in need of emergency custody and temporary detention and to improve public safety.

The Office of the Clerk of the Senate shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services. Technical assistance shall be provided to the joint subcommittee by the Department of Behavioral Health and Developmental Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall complete its meetings by November 30, 2018, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2019 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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