Reprinted
February 24, 2012

ENGROSSED
SENATE BILL No. 176

DIGEST OF SB 176 (Updated February 23, 2012 3:33 pm - DI 107)

Citations Affected: IC 12-26.

Synopsis: Immediate detention orders. Permits a court to order an individual to be transported to an appropriate facility for a preliminary medical and psychological evaluation if the court has reasonable grounds to believe that the individual has a mental illness, is dangerous, and is in immediate need of hospitalization and treatment. Provides that a judge who issues an order for preliminary medical and psychological evaluations may not review or issue an order concerning an application for emergency detention. Specifies that the individual may not be transported to a state institution. Provides that the costs of transportation and care must be paid by the county if there were not reasonable grounds to believe that the individual had a mental illness and was dangerous.

Effective: July 1, 2012.

Young R Michael, Bray, Lanane, Randolph
(HOUSE SPONSOR — FOLEY)

January 4, 2012, read first time and referred to Committee on Judiciary.
January 12, 2012, reported favorably — Do Pass.
January 17, 2012, read second time, amended, ordered engrossed.
January 18, 2012, engrossed.
January 23, 2012, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

January 31, 2012, read first time and referred to Committee on Judiciary.
February 21, 2012, reported — Do Pass.
February 23, 2012, read second time, amended, ordered engrossed.

C o p y

Reprinted
February 24, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

C o p y

ENGROSSED
SENATE BILL No. 176

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-26-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. If a court has reasonable grounds to believe that an individual:**

(1) has a mental illness;

(2) is dangerous; and

(3) is in immediate need of hospitalization and treatment;

the court may order a law enforcement officer to transport the individual to the nearest appropriate facility for a preliminary medical and psychological evaluation. The individual may not be transported to a state institution.

SECTION 2. IC 12-26-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a) Subject to subsection (b),** if the superintendent or the attending physician believes the individual should be detained for more than twenty-four (24) hours from time of admission to the facility, the superintendent or the physician must have an application filed for emergency detention

under IC 12-26-5 immediately upon the earlier of the following:

(1) A judge becomes available.

(2) Within seventy-two (72) hours of admission to the facility.

(b) If an individual is detained due to a court order under section 1.5 of this chapter and an application for emergency detention is filed under subsection (a), the judge who issued the order under section 1.5 of this chapter may not review or issue an order concerning the application for emergency detention under subsection (a).

SECTION 3. IC 12-26-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. If it is determined that there were not reasonable grounds to believe that an individual had a mental illness and was dangerous when taken into custody and transported to a facility to be detained under section 1.5 of this chapter, the costs of transportation to the facility and care and maintenance in the facility during the period of detention shall be paid by the county in which the individual was taken into custody.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 176, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 176 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 176 be amended to read as follows:

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 12-26-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. If it is determined that there were not reasonable grounds to believe that an individual had a mental illness and was dangerous when taken into custody and transported to a facility to be detained under section 1.5 of this chapter, the costs of transportation to the facility and care and maintenance in the facility during the period of detention shall be paid by the county in which the individual was taken into custody.**".

(Reference is to SB 176 as printed January 13, 2012.)

YOUNG R MICHAEL

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FOLEY, Chair

Committee Vote: yeas 11, nays 0.

C o p y

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 176 be amended to read as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 12-26-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a) Subject to subsection (b),** if the superintendent or the attending physician believes the individual should be detained for more than twenty-four (24) hours from time of admission to the facility, the superintendent or the physician must have an application filed for emergency detention under IC 12-26-5 immediately upon the earlier of the following:

(1) A judge becomes available.

(2) Within seventy-two (72) hours of admission to the facility.

(b) If an individual is detained due to a court order under section 1.5 of this chapter and an application for emergency detention is filed under subsection (a), the judge who issued the order under section 1.5 of this chapter may not review or issue an order concerning the application for emergency detention under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 176 as printed February 21, 2012.)

DELANEY

C o p y