



February 12, 2013

HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated February 11, 2013 1:22 pm - DI 107)

Citations Affected: IC 12-26.

Synopsis: Immediate detention. Provides that an individual who is gravely disabled, in addition to having a mental illness and being in immediate need of hospitalization, may be detained by a law enforcement officer and transported to the nearest appropriate facility. (This makes the immediate detention statute consistent with the emergency and temporary commitment statutes.) (The introduced version of this bill was prepared by the commission on mental health and addiction.)

Effective: July 1, 2013.

Brown C, Bacon, Riecken, Pierce

January 8, 2013, read first time and referred to Committee on Judiciary.
February 12, 2013, reported — Do Pass.

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HB 1130—LS 6154/DI 14+



February 12, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1130

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-26-4-1, AS AMENDED BY P.L.99-2007,
2 SECTION 129, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 1. A law enforcement officer,
4 having reasonable grounds to believe that an individual has a mental
5 illness, is **either** dangerous **or gravely disabled**, and is in immediate
6 need of hospitalization and treatment, may do the following:

7 (1) Apprehend and transport the individual to the nearest
8 appropriate facility. The individual may not be transported to a
9 state institution.

10 (2) Charge the individual with an offense if applicable.

11 SECTION 2. IC 12-26-4-1.5, AS ADDED BY P.L.62-2012,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 1.5. If a court has reasonable grounds to believe
14 that an individual:

15 (1) has a mental illness;

16 (2) is **either** dangerous **or gravely disabled**; and

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

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1 the court may order a law enforcement officer to transport the
2 individual to the nearest appropriate facility for a preliminary medical
3 and psychological evaluation. The individual may not be transported
4 to a state institution.
5 SECTION 3. IC 12-26-4-9, AS ADDED BY P.L.62-2012,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2013]: Sec. 9. If it is determined that there were not
8 reasonable grounds to believe that an individual had a mental illness
9 and was **either dangerous or gravely disabled** when taken into
10 custody and transported to a facility to be detained under section 1.5 of
11 this chapter, the costs of transportation to the facility and care and
12 maintenance in the facility during the period of detention shall be paid
13 by the county in which the individual was taken into custody.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1130, 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.

STEUERWALD, Chair

Committee Vote: yeas 9, nays 0.

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