

IC 12-26-4

Chapter 4. Immediate Detention

IC 12-26-4-1

Law enforcement officers; authority to apprehend, transport, and charge an individual with a mental illness

Sec. 1. A law enforcement officer, having reasonable grounds to believe that an individual has a mental illness, is dangerous, and is in immediate need of hospitalization and treatment, may do the following:

- (1) Apprehend and transport the individual to the nearest appropriate facility. The individual may not be transported to a state institution.
- (2) Charge the individual with an offense if applicable.

As added by P.L.2-1992, SEC.20. Amended by P.L.40-1994, SEC.55; P.L.99-2007, SEC.129.

IC 12-26-4-2

Law enforcement officers; written statement of reasonable grounds

Sec. 2. A law enforcement officer who transports an individual to a facility under section 1 of this chapter shall submit to the facility a written statement containing the basis for the officer's conclusion that reasonable grounds exist under this chapter.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-3

Law enforcement officers; written statement of reasonable grounds; filing

Sec. 3. The statement required by section 2 of this chapter shall be filed with both of the following:

- (1) The individual's records at the facility.
- (2) The appropriate court if action relating to any charges filed by the officer against the individual is pursued.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-4

Emergency treatment

Sec. 4. The superintendent of the facility or a physician may furnish emergency treatment necessary to preserve the health and safety of the individual detained.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-5

Length of detention

Sec. 5. Except as provided in section 6 of this chapter, an individual may not be detained under this chapter for more than twenty-four (24) hours from the time of admission to the facility.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-6

Detaining individual for more than 24 hours; emergency detention application

Sec. 6. 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.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-7

Discharge

Sec. 7. An individual detained under this chapter shall be discharged if either the attending physician or superintendent believes detention is no longer necessary.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-8

Detention in addition to detention under IC 12-26-5

Sec. 8. A period of detention under this chapter is in addition to a period of detention under IC 12-26-5.

As added by P.L.2-1992, SEC.20.