

1 HB471  
2 197531-1  
3 By Representative Allen (N & P)  
4 RFD: Local Legislation  
5 First Read: 18-APR-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Pike County; to authorize an attending  
14 physician, nurse practitioner, or physician assistant at a  
15 hospital licensed in this state to detain and provide  
16 emergency treatment to an individual with a mental illness for  
17 up to 72 hours under certain conditions and to provide  
18 protection from civil or criminal liability when acting in  
19 good faith for actions taken related to the admission or  
20 discharge of the patient; to authorize a law enforcement  
21 officer from a designated law enforcement agency to take an  
22 individual whom the officer believes has a mental illness into  
23 protective custody under certain conditions; to provide for  
24 the transportation of the individual to a hospital or other  
25 facility for evaluation and treatment; and to provide  
26 protection from civil or criminal liability to law enforcement

1 officers who, in good faith, place individuals with mental  
2 illness into protective custody.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall only apply in Pike County.

5 Section 2. For the purposes of this act, the  
6 following terms have the following meanings:

7 (1) DESIGNATED LAW ENFORCEMENT AGENCY. A law  
8 enforcement agency within Pike County that is authorized by  
9 the sheriff to exercise the authority described in this act.

10 (2) LAW ENFORCEMENT OFFICER. Any state, county, or  
11 municipal officer certified by the Alabama Peace Officers'  
12 Standards and Training Commission.

13 (3) REGIONAL MENTAL HEALTH PROVIDER. An organization  
14 created pursuant to Section 22-51-1 et seq., Code of Alabama  
15 1975.

16 Section 3. (a) (1) Concurrently with Article 1 of  
17 Chapter 52 of Title 22, Code of Alabama 1975, an attending  
18 physician, nurse practitioner, or physician assistant at a  
19 hospital licensed in this state may execute a certificate  
20 stating that he or she has personally evaluated an individual  
21 and has found, based upon the observations set forth in detail  
22 in the certificate, that the individual appears to be mentally  
23 ill, is a danger to himself or herself or others, and requires  
24 immediate treatment.

25 (2) Upon execution of the certificate described in  
26 subdivision (1), the attending physician, nurse practitioner,  
27 or physician assistant may detain and provide emergency

1 treatment to the individual for up to 72 hours, and consent  
2 for medical treatment shall be presumed as provided in Section  
3 22-8-1, Code of Alabama 1975.

4 (3) After execution of the certificate, but no more  
5 than 36 hours from execution of the certificate, the executor  
6 of the certificate shall send the certificate to a person  
7 designated by the regional mental health provider for Pike  
8 County in order to facilitate the evaluation of the individual  
9 and determine need for a petition as provided in Article 1 of  
10 Chapter 52 of Title 22, Code of Alabama 1975.

11 (b) An individual treated pursuant to subsection (a)  
12 shall be discharged within 72 hours, unless the Pike County  
13 Judge of Probate orders further inpatient or outpatient  
14 treatment for the individual as provided in Article 1 of  
15 Chapter 52 of Title 22, Code of Alabama 1975.

16 (c) If a petition is filed and accepted as provided  
17 for in Article 1 of Chapter 52 of Title 22, Code of Alabama  
18 1975, and the Pike County Judge of Probate determines that the  
19 individual needs to be detained pending a probable cause  
20 hearing, the time allowed under Section 22-52-8, Code of  
21 Alabama 1975, will be computed from the date of admission.

22 (d) An attending physician, nurse practitioner, or  
23 physician assistant and hospital providing treatment pursuant  
24 to subsection (a) shall make reasonable efforts to contact any  
25 designated emergency contact for the individual.

26 (e) A licensed hospital and an attending physician,  
27 nurse practitioner, or physician assistant who acts in good

1 faith compliance with this section shall be immune from civil  
2 or criminal liability for any actions in connection with the  
3 admission of a patient to a facility or the discharge of a  
4 patient from a facility.

5 (f) If an individual is discharged without further  
6 orders of inpatient treatment by the Pike County Judge of  
7 Probate, and that individual arrived as a result of law  
8 enforcement intervention, the hospital shall promptly  
9 communicate this information to the appropriate law  
10 enforcement agency. A law enforcement officer from that agency  
11 shall coordinate the immediate release of the individual from  
12 the hospital and shall release the individual from protective  
13 custody unless the law enforcement officer from that agency  
14 has some legal cause for detaining the individual other than  
15 the individual's mental condition. After the individual is  
16 released, and upon request of the individual, a law  
17 enforcement officer from that agency shall transport the  
18 individual to his or her residence or other place of abode if  
19 it is within the county.

20 Section 4. (a) (1) Concurrently with Article 1 of  
21 Chapter 52 of Title 22, Code of Alabama 1975, a law  
22 enforcement officer from a designated law enforcement agency  
23 may take an individual into protective custody when the  
24 officer has reasonable cause to believe that the individual is  
25 mentally ill and is an immediate danger to himself or herself  
26 or others.

1           (2)a. Upon placement of an individual under  
2 protective custody pursuant to subdivision (1), the law  
3 enforcement officer shall transport the individual to a  
4 hospital providing care and treatment to those with mental  
5 illnesses or other designated treatment facility for an  
6 evaluation and treatment.

7           b. If the individual does not consent to the  
8 transport, the officer may use reasonable force necessary to  
9 carry out the transport.

10          c. The individual shall be released from the  
11 hospital or designated treatment facility within 72 hours,  
12 exclusive of Saturday, Sunday, or any legal holiday, unless a  
13 judge of probate orders further inpatient or outpatient  
14 treatment for the individual as provided in Article 1 of  
15 Chapter 52 of Title 22, Code of Alabama 1975.

16          d. Upon a determination by an attending physician,  
17 nurse practitioner, or physician assistant at a hospital  
18 licensed in this state that an individual transported to the  
19 hospital pursuant to this section is not mentally ill or a  
20 danger to self or others, the hospital shall promptly  
21 communicate this information to the appropriate law  
22 enforcement officer. The law enforcement officer shall  
23 coordinate the immediate release of the individual from the  
24 hospital and shall release the individual from protective  
25 custody unless the law enforcement officer has some legal  
26 cause for detaining the individual other than the individual's  
27 mental condition. After the individual is released, and upon

1 request of the individual, the law enforcement officer shall  
2 transport the individual to his or her residence or other  
3 place of abode if it is within the county.

4 (b) Protective custody by a law enforcement officer  
5 under this section shall not be considered an arrest for any  
6 purpose, and no entry or other record may be made to indicate  
7 that an individual subject to temporary protective custody by  
8 a law enforcement officer under this section has been detained  
9 or charged with any crime.

10 (c) A law enforcement officer acting in good faith  
11 pursuant to this section may not be held civilly or criminally  
12 liable for false imprisonment, and a hospital or other  
13 designated treatment facility shall not be civilly or  
14 criminally liable for the admission or release of an  
15 individual pursuant to this section.

16 Section 5. (a) This act shall not be construed to  
17 modify any provisions of Section 22-8-1, Code of Alabama 1975.

18 (b) The Pike County Judge of Probate shall give  
19 notice and set a hearing for cause shown when de-authorizing  
20 any designated law enforcement agency.

21 (c) The Pike County Judge of Probate shall not be  
22 liable for the acts of any designated law enforcement agency  
23 or officer pursuant to this act.

24 Section 6. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.