



## 2011 ASSEMBLY BILL 367

November 9, 2011 – Introduced by Representatives A. OTT, BIES, ENDSLEY, T. LARSON, RIVARD, SPANBAUER and WYNN, cosponsored by Senator LASEE. Referred to Committee on Criminal Justice and Corrections.

- 1     **AN ACT** *to create* 51.15 (7m) of the statutes; **relating to:** law enforcement  
2             investigation, initiation, and completion of emergency detention.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a law enforcement officer or certain other individual may take a person into custody if the officer or other individual has cause to believe that the person is mentally ill, drug dependent, or developmentally disabled and the person shows one of the following: a substantial probability of physical harm to himself or herself; a substantial probability of physical harm to other persons; evidence that others are placed in reasonable fear of violent behavior and serious physical harm; a substantial probability of physical impairment or injury to himself or herself due to impaired judgment; or behavior manifested by a recent act or omission that, due to mental illness or drug dependency, he or she is unable to satisfy basic needs of nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease is imminent without intervention. The law enforcement officer or certain other individual must provide a statement with details of the recent act, attempt, threat, or omission on which the belief that the individual must be taken into custody is based.

This bill allows a law enforcement agency of a jurisdiction in which a person was taken into custody to request the law enforcement agency of the jurisdiction in which the person in custody committed the act, attempt, threat, or omission to investigate the act, attempt, threat, or omission and initiate and complete the emergency detention, if the act, attempt, threat, or omission occurred in a jurisdiction that is

