

## Session 116 - (2005-2006)

**H\*3412 (Rat #0144, Act #0120 of 2005) General Bill, By Harrison, Bales, Cotty, Brady, Whipper, Vaughn, Branham, Toole, Taylor, D.C. Smith and Bailey**

**Summary:** Emergency admissions to mental health facilities

AN ACT TO AMEND SECTION 44-17-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY ADMISSIONS TO MENTAL HEALTH FACILITIES, SO AS TO PROVIDE THAT IF A PATIENT DOES NOT REQUIRE INVOLUNTARY TREATMENT, THE COURT, UPON PROPER NOTICE, SHALL DISMISS THE PETITION FOR COMMITMENT; TO AMEND SECTION 44-17-430, RELATING TO TAKING PERSONS WHO ARE BELIEVED TO BE A DANGER TO THEMSELVES OR OTHERS INTO CUSTODY, SO AS TO PROVIDE THAT AN ORDER AUTHORIZING SUCH CUSTODY IS VALID ONLY FOR SEVENTY-TWO HOURS; TO ADD SECTION 44-13-05 SO AS TO ESTABLISH PROCEDURES FOR A LAW ENFORCEMENT OFFICER TO TAKE A PERSON THE OFFICER BELIEVES TO BE MENTALLY ILL OR CHEMICALLY DEPENDENT, WHO POSES A LIKELIHOOD TO CAUSE SERIOUS HARM TO HIMSELF OR OTHERS, INTO PROTECTIVE CUSTODY AND TO TRANSPORT THE PERSON TO A LOCAL MENTAL HEALTH CENTER OR CRISIS STABILIZATION PROGRAM FOR EXAMINATION AND EVALUATION AND TO FURTHER PROVIDE FOR A CENTER OR PROGRAM TO HOLD SUCH A PERSON; TO PROVIDE IMMUNITY FROM LIABILITY, TO DEFINE "CRISIS STABILIZATION PROGRAM", TO PROVIDE CONDITIONS UNDER WHICH PERSONS MAY BE TRANSPORTED BEYOND THE LAW ENFORCEMENT OFFICER'S JURISDICTION, AND TO PROVIDE THAT SUCH CENTERS AND PROGRAMS EXTEND TO THOSE IN ADJOINING OR THE NEAREST COUNTIES; TO AMEND SECTION 44-17-580, RELATING TO PROCEDURES FOR JUDICIAL COMMITMENT TO A MENTAL HEALTH FACILITY, SO AS TO CLARIFY THESE PROCEDURES AND TO AUTHORIZE THE COURT TO ORDER OUT-PATIENT TREATMENT FOLLOWING IN-PATIENT COMMITMENT; TO AMEND SECTION 44-24-150, RELATING TO THE AUTHORITY OF THE FAMILY COURT TO COMMIT CERTAIN CHILDREN FOR PSYCHIATRIC EVALUATION, SO AS TO PROVIDE THAT THE COURT MAY ORDER THAT SUCH AN EVALUATION BE CONDUCTED BY A COMMUNITY MENTAL HEALTH CENTER, THAT IF AN IN-PATIENT EVALUATION IS RECOMMENDED, THE COURT MAY COMMIT THE CHILD TO A DESIGNATED HOSPITAL FOR UP TO FIFTEEN DAYS FOR SUCH AN EVALUATION AND TO PROVIDE THAT NOTICE MUST BE GIVEN TO A VICTIM OF A CHILD ORDERED TO A MENTAL HEALTH FACILITY FOR EVALUATION WHEN THE CHILD IS TRANSFERRED TO OR DISCHARGED FROM THE FACILITY; AND TO AMEND SECTION 44-52-50, RELATING TO PROCEDURES FOR EMERGENCY ADMISSIONS FOR ALCOHOL AND DRUG TREATMENT, SO AS TO CLARIFY THAT IF A COURT ISSUES AN ORDER TO TAKE A PERSON IN NEED OF SUCH TREATMENT INTO PROTECTIVE CUSTODY, THE ORDER IS VALID ONLY FOR SEVENTY-TWO HOURS. - ratified title

02/01/05	House	Introduced and read first time HJ-10
02/01/05	House	Referred to Committee on Medical, Military, Public and Municipal Affairs HJ-11
02/11/05		Scrivener's error corrected
03/02/05	House	Committee report: Favorable Medical, Military, Public and Municipal Affairs HJ-2
03/03/05	House	Member(s) request name added as sponsor: D.C.Smith
03/03/05	House	Debate adjourned HJ-28
03/03/05		Scrivener's error corrected
03/08/05	House	Debate adjourned until Wednesday, March 9, 2005 HJ-11
03/09/05	House	Requests for debate-Rep(s). Thompson, JE Smith, White, Hosey, Hayes, J Brown, Agnew, Scott, Altman, and Scarborough HJ-17
03/09/05	House	Member(s) request name added as sponsor: Bailey
03/09/05	House	Amended HJ-21
03/09/05	House	Read second time HJ-25
03/09/05	House	Roll call Yeas-99 Nays-3 HJ-25
03/10/05	House	Read third time and sent to Senate HJ-41
03/10/05	Senate	Introduced and read first time SJ-7
03/10/05	Senate	Referred to Committee on Medical Affairs SJ-7
05/12/05	Senate	Committee report: Favorable with amendment Medical Affairs SJ-22
05/19/05	Senate	Amended SJ-59
05/19/05	Senate	Read second time SJ-59
05/20/05		Scrivener's error corrected
05/25/05	Senate	Amended SJ-56
05/25/05	Senate	Read third time and returned to House with amendments SJ-56

05/26/05		Scrivener's error corrected
05/31/05	House	Concurred in Senate amendment and enrolled HJ-113
06/01/05		Ratified R 144
06/03/05		Signed By Governor
06/09/05		Copies available
06/09/05		Effective date 06/03/05
06/16/05		Act No. 120