**A** **BILL**

TO AMEND SECTION 44‑17‑410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMERGENCY ADMISSION OF A PERSON LIKELY TO CAUSE SERIOUS HARM TO HIMSELF OR OTHERS, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; TO AMEND SECTION 44‑17‑430, AS AMENDED, RELATING TO THE EXAMINATION UNDER CUSTODY OF A PERSON REQUIRING IMMEDIATE HOSPITALIZATION WHEN EXAMINATION IS NOT OTHERWISE POSSIBLE, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; AND TO AMEND SECTION 44‑17‑440, RELATING TO THE CUSTODY AND TRANSPORT OF A PERSON REQUIRING IMMEDIATE CARE, SO AS TO REQUIRE A STATE OR LOCAL LAW ENFORCEMENT OFFICER WITH CRISIS INTERVENTION TRAINING AND DRESSED IN CIVILIAN CLOTHES OR AN EMERGENCY MEDICAL TECHNICIAN TO TAKE INTO CUSTODY AND TRANSPORT THE PERSON TO THE HOSPITAL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑17‑410(1) and (2) of the 1976 Code is amended to read:

“(1) written affidavit under oath by a person stating:

(a) a belief that the person is mentally ill and because of this condition is likely to cause serious harm to himself or others, or may become gravely disabled if not immediately hospitalized;

(b) the specific type of serious harm thought probable if the person is not immediately hospitalized and the factual basis for this belief;

(2) a certification in triplicate by at least one licensed physician stating that the physician has examined the person and is of the opinion that the person is mentally ill and because of this condition is likely to cause harm to himself through neglect, inability to care for himself, or personal injury, or otherwise, or to others, or may become gravely disabled if not immediately hospitalized. The certification must contain the grounds for the opinion. A person for whom a certificate has been issued may not be admitted on the basis of that certificate after the expiration of three calendar days after the date of the examination;”

SECTION 2. Section 44‑17‑430 of the 1976 Code, as last amended by Act 120 of 2005, is further amended to read:

“Section 44‑17‑430. If a person believed to be mentally ill and because of this condition likely to cause serious harm, or become gravely disabled if not immediately hospitalized cannot be examined by at least one licensed physician pursuant to Section 44‑17‑410 because the person’s whereabouts are unknown or for any other reason, the petitioner seeking commitment pursuant to Section 44‑17‑410 shall execute an affidavit stating a belief that the individual is mentally ill and because of this condition likely to cause serious harm, or become gravely disabled if not hospitalized, the ground for this belief and that the usual procedure for examination cannot be followed and the reason why. Upon presentation of an affidavit, the judge of probate for the county in which the individual is present may issue an order requiring a state or local law enforcement officer to take the individual into custody for a period not exceeding twenty four hours. The order expires seventy two hours after it was issued, and if the person is not taken into custody within those seventy two hours, the order is no longer valid. During the person’s detention the person must be examined by at least one licensed physician as provided for in Section 44‑17‑410(2). The individual taken into custody has the right to representation by an attorney. If within the twenty four hours the person in custody is not examined by a licensed physician or, if upon examination the physician does not execute the certification provided for in Section 44‑17‑410(2), the proceedings must be terminated and the individual in custody must be released immediately. Otherwise, proceedings must be held pursuant to Section 44‑17‑410(3).”

SECTION 3. Section 44‑17‑440 of the 1976 Code is amended to read:

“Section 44‑17‑440. The certificate required by Section 44‑17‑410 must authorize and require a state or local law enforcement officer, with both crisis intervention training and dressed ~~preferably~~ in civilian clothes, or alternatively an emergency medical technician, to take into custody and transport the person to the hospital designated by the certification. No person may be taken into custody after the expiration of three days from the date of certification. A friend or relative may transport the individual to the mental health facility designated in the application, if the friend or relative has read and signed a statement on the certificate which clearly states that it is the responsibility of a state or local law enforcement officer to provide timely transportation for the patient and that the friend or relative freely chooses to assume that responsibility. A friend or relative who chooses to transport the patient is not entitled to reimbursement from the State for the cost of the transportation. An officer acting in accordance with this article is immune from civil liability. Upon entering a written agreement between the local law enforcement agency, the governing body of the local government, and the directors of the community mental health centers, an alternative transportation program utilizing peer supporters and case managers may be arranged for nonviolent persons requiring mental health treatment. The agreement clearly must define the responsibilities of each party and the requirements for program participation.”

SECTION 4. This act takes effect upon approval by the Governor.

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