

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 2: HEALTH**

**§ 2503. 72-Hour Emergency Detention; Initiation.**

(a) Any person may bring another to an evaluation facility and file an application with an evaluation facility for the 72-hour emergency detention of an allegedly mentally ill person. Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the applicant. The applicant must stay with the person until assessment is completed and, if applicable, the person is admitted for evaluation.

(b) A peace officer having probable cause to believe that a person is subject to the provisions of this article for 72-hour emergency detention may take into custody and transport the person to the evaluation facility and there file an application for a 72-hour emergency detention (non-court hearing). Only a peace officer may use reasonable force to restrain and detain the allegedly mentally ill person. A peace officer may call a mental health professional, when available, to the scene in order to assist him in making a probable cause determination before transporting the person to an evaluation facility.

(c) The documentation in the application shall include detailed information regarding the factual circumstances and observations constituting probable cause for involuntary psychiatric evaluation and treatment. The application shall be subscribed under oath or affirmation. The application shall be made part of the clinical record.

(d) If the peace officer has stated in the application that the allegedly mentally ill person may be charged with a crime, and, upon assessment, the person is not admitted for 72-hour emergency detention to the evaluation facility, then the mental health professional or attending physician making the assessment shall notify the peace officer, if he is still present, or the police department in other cases that the person is not being admitted.

(e) A mental health professional designated by the director or an attending physician may involuntarily admit the allegedly mentally ill person into an evaluation facility.

(f) Any person intentionally giving a false statement on an application, knowing it to be false, which leads to a commitment shall also be liable in a civil action. The applicant shall be subject to applicable criminal laws.

**Source:** PL 8-36, § 5.